



Jersey

**PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (GENERAL)
(AMENDMENT No. 9) (JERSEY)
REGULATIONS 2007**

Made

2nd May 2007

Coming into force

9th May 2007

THE STATES, in pursuance of Articles 2 and 4 of the Public Employees (Retirement) (Jersey) Law 1967¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989².

2 Regulation 4 amended

In Regulation 4(1)(c) of the principal Regulations, for the words “Regulation 7(1)” there shall be inserted the words “Regulation 7(1) or 9(9)”.

3 Regulation 9 amended

In the principal Regulations –

- (a) in Regulation 9(1)(b), before the words “such of the employees of that employer” there shall be inserted the words “the employer to the scheme, and admit”;
- (b) at the end of Regulation 9(1)(c), there shall be inserted the following sub-paragraph –

“(d) Any terms of a document executed (whether before or after the insertion of this sub-paragraph in these Regulations) under sub-paragraph (b), except to the extent of any conflict between those terms and the provisions of the Law or of any enactment made under the Law –

-
- (i) shall, to the extent that they purport to be terms of admission to the scheme of those employers, or those employees, to whom the document applies, be taken to constitute such terms, and
 - (ii) shall, to the extent that they purport to prescribe the rights, duties or other functions, or liabilities, of the Chief Minister, the Committee, the Actuary or the Treasurer, or of the employer, or the employees, to whom the document applies, determine those rights, duties or other functions, or liabilities, in respect of the admission, the admitted employers, the admitted employees, or the scheme as constituted after the admission.”;
 - (c) in Regulation 9(2)(a), before the words “the admission of employees” there shall be inserted the words “admission to participate in the scheme and for”;
 - (d) in Regulation 9(2)(b), before the words “their admission” there shall be inserted the words “the employer’s admission to participate in the scheme and for”;
 - (e) for Regulation 9(4), (5) and (6) there shall be substituted the following paragraphs –
 - “(4) An employer other than the States or the States Employment Board may give 6 months’ notice to the Committee that some of the employees in the employment of the employer (or the employer and all of the employees in the employment of the employer who participate in the scheme) shall cease to participate in the scheme and the Chief Minister may (subject, if paragraph (2) applies, to the agreement of the Committee) give such an employer 6 months’ notice to like effect. When such notice has expired, the Committee shall arrange for such part of the assets of the scheme as are certified by the Actuary to be appropriate to be set aside and disposed of for the benefit of those employees –
 - (a) if the employer so requests, and subject to paragraph (5) and to the Committee’s being satisfied that the terms of the transfer are equitable in all the circumstances, by transferring to a pension scheme of that employer such part of the assets of the scheme as in the opinion of the Actuary relates to any of those employees who becomes a member of such a pension scheme; or
 - (b) in respect of any of the employees for whom no such transfer is made –
 - (i) if the employee so requests by a date to be specified by the Committee, by purchasing, in accordance with paragraph (6), from an insurance company or insurance office of good repute, annuities for the purpose of satisfying any pension or other benefits which may in the future become payable under the scheme by virtue of the employee’s membership,

- (ii) if the employee so requests by a date to be specified by the Committee, by paying a transfer value to the trustees or managers of a pension scheme or personal pension scheme, or
 - (iii) if the employee has not made a request referred to in clause (i) or (ii), by granting an entitlement to a deferred pension as referred to in such Regulations under the Law as applied to the employee immediately before the expiry of the notice under this paragraph, subject to such adjustment (if any) as the Actuary thinks fit on taking into account the value of the part of the assets certified by the Actuary as referred to earlier.
- (5) If an employee becomes (as referred to in paragraph (4)(a)) a member of an employer's pension scheme –
 - (a) a transfer of assets referred to in paragraph (4)(a) shall not be made in respect of the employee unless the employee so requests by a date to be specified by the Committee; and
 - (b) nothing in paragraph (4)(a) prevents the application of paragraph (4)(b) to an employee who becomes (as referred to in paragraph (4)(a)) a member of an employer's pension scheme if in fact no transfer of assets is made under paragraph (4)(a) in respect of the employee.
- (6) Where pursuant to paragraph (4) annuities are to be purchased –
 - (a) any increases on pensions in payment and on deferred pensions shall (instead of being as provided by Regulation 11) be as determined by the Committee on the advice of the Actuary, having regard to the proportion of the assets of the scheme which are set aside; and
 - (b) any annuity so purchased shall be purchased in the name of the employee or in the name of a trustee or trustees for the employee's benefit.
- (7) No person on whose behalf an annuity is purchased or a transfer value is paid under this Regulation shall thereafter have any claim on, or interest in, the scheme.
- (8) Before the Actuary gives a certificate referred to in paragraph (4), he shall issue a certificate stating the termination contribution.
- (9) The employer shall pay the amount of the termination contribution to the assets of the scheme before the expiry of the 6 months' notice period referred to in paragraph (4) and that amount shall be included in the part of the assets certified under that paragraph.
- (10) For the purposes of this Regulation, the termination contribution shall be –
 - (a) the past service liabilities of the scheme attributable to the employees who are to cease to participate in the scheme; minus

(b) the part of the assets that would be appropriate to be set aside and disposed of in accordance with paragraph (4) if no amount were paid to those assets under paragraph (9),

but shall be zero if that part of the assets exceeds those past service liabilities.

(11) The past service liabilities shall be calculated on the actuarial assumptions used for the most recent report of which a copy has been laid before the States in accordance with Article 3(5) of the Law, and shall include allowances for projected salary and pension increases made in accordance with those assumptions.

(12) If any part of a termination contribution is not paid by the employer, the Committee is not required under paragraph (4) to dispose of assets corresponding to the part that remains unpaid.

(13) Paragraphs (8) to (12) shall apply only in a case where a document referred to in paragraph (1)(b) states that those paragraphs shall apply to the employer who executed the document.”.

4 Citation and commencement

- (1) These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 9) (Jersey) Regulations 2007.
- (2) These Regulations shall come into force on the seventh day after they are made.

M.N. DE LA HAYE

Greffier of the States

-
- ¹ *chapter 16.650*
² *chapter 16.650.36*