



Jersey

PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 2015

Arrangement

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Made
Coming into force

8th September 2015
15th September 2015

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

1 Amendment of the Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989

- (1) The Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989² are amended in accordance with this Regulation.
- (2) In Regulation 8 –
 - (a) in paragraph (1) –
 - (i) in sub-paragraph (a), after the word “earlier;” there is added the word “or”,
 - (ii) for sub-paragraph (b) there is substituted the following sub-paragraph –

“(b) to request a transfer value payable in accordance with Regulation 7 of the General Regulations.”,
 - (iii) sub-paragraph (c) is deleted;
 - (b) in paragraph (3), for the words “Where a member to whom this Regulation applies” there are substituted the words “Where a member to whom paragraph (2) applies”;
 - (c) paragraphs (6) to (8) are deleted.
- (3) For Regulation 16A, there is substituted the following Regulation –

“16A Conversion of pension into lump sum not exceeding £18,000

- (1) A deferred pensioner may apply to the Treasurer to receive a lump sum by way of exchange of the capital value of all his or her

deferred pension under the scheme provided that at the time the application is made –

- (a) the deferred pensioner has not commenced drawing his or her deferred pension;
- (b) the deferred pensioner's employer is not making any contributions on his or her behalf to another approved Jersey scheme; and
- (c) the value of the deferred pensioner's deferred pension under the scheme does not exceed £18,000.

- (2) An exchange under paragraph (1) is not permitted where the capital value of the member's deferred pension includes any amount transferred from a scheme, trust or contract (however called and whether approved under any Article of the Income Tax Law or under the jurisdiction of a country or territory outside Jersey).
- (3) An application under paragraph (1) shall be made in such form and manner as the Treasurer may specify.
- (4) The calculation of the lump sum payable under this Regulation shall be determined by the Committee after consulting the Actuary.
- (5) Payment of the lump sum shall extinguish the deferred pensioner's rights to any other benefits under the scheme, as well as the rights of any person contingently entitled to any benefit payable upon the deferred pensioner's death.
- (6) In this Regulation 'approved Jersey scheme' has the meaning given in Article 130 of the Income Tax Law."

2 Amendment of the Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992

- (1) The Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Jersey) Regulations 1992³ are amended in accordance with this Regulation.
- (2) In Regulation 8 –
 - (a) in the heading, the words “, refund of contributions” are deleted;
 - (b) in paragraph (1) –
 - (i) in sub-paragraph (a), after the words “paragraph (3);” there is inserted the word “or”,
 - (ii) for sub-paragraph (b) there is substituted the following sub-paragraph –

“(b) to request a transfer a transfer value payable in accordance with Regulation 7 of the General Regulations.”,
 - (iii) sub-paragraph (c) is deleted;
 - (c) in paragraph (2), the words “to a refund of the member's contributions to the scheme calculated in accordance with paragraph (4) or” are deleted;
 - (d) paragraphs (4), (5) and (6) are deleted.

3 Amendment of the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967

- (1) The Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967⁴ are amended in accordance with this Regulation.
- (2) In Regulation 7 –
 - (a) for paragraph (3) there is substituted the following paragraph –

“(3) In calculating the number of completed years of service, no account shall be taken of any service in respect of which a refund or a transfer value has been paid under –

 - (a) Regulation 12 before its repeal by the Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (Jersey) Regulations 2015⁵; or
 - (b) original Regulation 14 before its repeal by the Public Employees (Contributory Retirement Scheme) (Amendment No. 11) (Jersey) Regulations 1989⁶.”;
 - (b) in paragraph (4C), the words “a refund of contributions or” are deleted.
- (3) In Regulation 11, the words “the benefit payable under Regulation 12 of these Regulations or” are deleted.
- (4) Regulation 12 is repealed.
- (5) In Regulation 13, the words “, in addition to receiving any refund of contributions by virtue of Regulation 12 of these Regulations,” are deleted.

4 Amendment of the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989

- (1) The Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989⁷ are amended in accordance with this Regulation.
- (2) In Regulation 1, in paragraph (b) of the definition “employee”, the words “of at least 6 months in duration which is, with the consent of the Chief Minister, expressed to be pensionable” are deleted.
- (3) In Regulation 2 –
 - (a) for paragraph (1), there is substituted the following paragraph –

“(1) Subject to the provisions of this Regulation and the provisions of the General Regulations, an employee shall become a member of the scheme from the date his or her employment begins.”;
 - (b) paragraphs (4), (8)(d) and (9)(a) are deleted.
- (4) In Regulation 8 –
 - (a) in paragraph (1), for the words “This Regulation applies” there are substituted the words “This paragraph applies”;
 - (b) in paragraph (1A) –

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- (i) for the words “The member shall” there are substituted the words “A member to whom paragraph (1) applies shall”,
 - (ii) in sub-paragraph (a)(ii), after the words “65 years;” there is added the word “or”,
 - (iii) for sub-paragraph (b) there is substituted the following sub-paragraph –
 - “(b) to request a transfer value payable in accordance with Regulation 7 of the General Regulations.”,
 - (iv) sub-paragraph (c) is deleted;
 - (c) in paragraph (3), for the words “Where a member to whom this Regulation applies” there are substituted the words “Where a member to whom paragraph (2) applies”;
 - (d) paragraphs (6) and (8) are deleted.
- (5) For Regulation 16A, there is substituted the following Regulation –

“16A Conversion of pension into lump sum not exceeding £18,000

- (1) A deferred pensioner may apply to the Treasurer to receive a lump sum by way of exchange of the capital value of all his or her deferred pension under the scheme provided that at the time the application is made –
 - (a) the deferred pensioner has not commenced drawing his or her deferred pension;
 - (b) the deferred pensioner’s employer is not making any contributions on his or her behalf to another approved Jersey scheme; and
 - (c) the value of the deferred pensioner’s deferred pension under the scheme does not exceed £18,000.
- (2) An exchange under paragraph (1) is not permitted where the capital value of the deferred pensioner’s deferred pension includes any amount transferred from a scheme, trust or contract (however called and whether approved under any Article of the Income Tax Law or under the jurisdiction of a country or territory outside Jersey).
- (3) An application under paragraph (1) shall be made in such form and manner as the Treasurer may specify.
- (4) The calculation of the lump sum payable under this Regulation shall be determined by the Committee after consulting the Actuary.
- (5) Payment of the lump sum shall extinguish the deferred pensioner’s rights to any other benefits under the scheme, as well as the rights of any person contingently entitled to any benefit payable upon the deferred pensioner’s death.
- (6) In this Regulation ‘approved Jersey scheme’ has the meaning given in Article 130 of the Income Tax Law.”.

5 Citation and commencement

These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (Jersey) Regulations 2015 and shall come into force 7 days after the day they are made.

M.N. DE LA HAYE, O.B.E.

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- 1 *chapter 16.650*
 - 2 *chapter 16.650.12*
 - 3 *chapter 16.650.24*
 - 4 *chapter 16.650.48*
 - 5 *R&O.104/2015*
 - 6 *R&O.7957*
 - 7 *chapter 16.650.60*