



Jersey

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**PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (NEW MEMBERS)
(AMENDMENT No. 10) (JERSEY)
REGULATIONS 2005**

Arrangement

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Made

27th September 2005

Coming into force

in accordance with Regulation 6

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967,¹ have made the following Regulations –

1 Interpretation

In these Regulations “the principal Regulations” means the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989.²

2 Regulation 6 substituted

For Regulation 6 of the principal Regulations there shall be substituted the following Regulations –

“6 Pensions payable before normal retiring age to members with 10 years pensionable service

- (1) This Regulation applies to a member who has completed at least 10 years’ pensionable service and who –
 - (a) in the case of a Crown Officer or Magistrate, retires within the 5 years after attaining the age of 60 years; or
 - (b) in any other case, retires not more than 5 years before attaining normal retiring age.
- (2) It also applies to a member who has completed at least 10 years’ pensionable service and who –
 - (a) in the case of a Crown Officer or Magistrate, has his or her appointment as a Crown Officer or Magistrate terminated within 5 years of attaining the age of 60 years; or

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- (b) in any other case, has his or her employment terminated not more than 5 years before attaining normal retiring age.
 - (3) A member to whom this Regulation applies shall receive a pension under the scheme calculated in accordance with paragraph (5), paragraph (6) or paragraph (7).
 - (4) Except as provided by paragraph (7), the pension shall be payable –
 - (a) from the date of the member's retirement; or
 - (b) where the member ceases to hold office or has his or her employment terminated, from the date the member ceases to hold office or ceases to be employed, as the case may be.
 - (5) The pension payable to a member who first became an employee before 1st January 2006 shall be the amount calculated in accordance with Regulation 5.
 - (6) Subject to paragraph (7), the pension payable to a member who first became an employee after 31st December 2005 shall be the amount calculated in accordance with Regulation 5 reduced by 2.4% for each year (and so in proportion for any part of a year) by which the member's age at the time of his or her retirement, or termination of office or employment falls short of the age of 65 years in the case of a Crown Officer or Magistrate or, in any other case, normal retiring age.
 - (7) A member to whom paragraph (6) applies may, at any time before receiving a pension calculated in accordance with that paragraph, elect to be paid a pension calculated in accordance with Regulation 5 that is payable from the date the member attains the age of 65 years in the case of a Crown Officer or Magistrate or, in any other case, normal retiring age.

6A Pensions payable before normal retiring age to members with 2 but less than 10 years pensionable service

- (1) This Regulation applies to a member –
 - (a) who has not attained the age of 65 years;
 - (b) who retires having attained the age of 60 years after completing at least 2 but less than 10 years' pensionable service; and
 - (c) who is a Crown Officer or Magistrate or, in any other case, a member with a normal retiring age of 65 years.
 - (2) This Regulation also applies to a member –
 - (a) who has not attained the age of 65 years;
 - (b) whose appointment or employment is terminated after he or she has attained the age of 60 years after completing at least 2 but less than 10 years' pensionable service; and
 - (c) who is a Crown Officer or Magistrate or, in any other case, a member with a normal retiring age of 65 years.
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- (3) A member to whom this Regulation applies shall receive a pension under the scheme calculated in accordance with paragraph (5), paragraph (6) or paragraph (7).
 - (4) Except as provided by paragraph (7), the pension shall be payable –
 - (a) from the date of the member’s retirement; or
 - (b) where the member ceases to hold office or has his or her employment terminated, from the date the member ceases to hold office or ceases to be employed, as the case may be.
 - (5) The pension payable to a member who first became an employee before 1st January 2006 shall be the amount calculated in accordance with Regulation 5.
 - (6) Subject to paragraph (7), the pension payable to a member who first became an employee after 31st December 2005 shall be the amount calculated in accordance with Regulation 5 reduced by 2.4% for each year (and so in proportion for any part of a year) by which the member’s age at the time of his or her retirement, or termination of office or employment falls short of the age of 65 years.
 - (7) A member to whom paragraph (6) applies may, at any time before receiving a pension calculated in accordance with that paragraph, elect to be paid a pension calculated in accordance with Regulation 5 that is payable from the date the member attains the age of 65 years.”.

3 Regulation 8 amended

For Regulation 8(1) of the principal Regulations there shall be substituted the following paragraphs –

- “(1) This Regulation applies to a member –
 - (a) who ceases to be an employee after completing at least 2 years’ qualifying service; and
 - (b) who is not entitled to a pension under Regulation 5, Regulation 6, Regulation 6A or Regulation 7.
- (1A) The member shall be entitled –
 - (a) to a deferred pension calculated in accordance with Regulation 5 that is payable –
 - (i) in the case of a member who first became an employee before 1st January 2006, from the date when the member attains the age of 60 years or, if earlier, normal retiring age, or
 - (ii) in any other case, from the date the member attains normal retiring age, which in the case of a Crown Officer or Magistrate shall be taken as the age of 65 years;

- (b) to a refund of the member's contributions to the scheme calculated in accordance with paragraph (3) if the member was most recently admitted or re-admitted to the scheme under these Regulations before 1st August 2000; or
- (c) to request a transfer value payable in accordance with Regulation 7 of the General Regulations.

(1B) If a member who chooses to take a deferred pension in accordance with paragraph (1A)(a)(ii) is –

- (a) a Crown Officer or Magistrate; or
- (b) a member whose normal retiring age is the age of 65 years, the member may, at any time after attaining the age of 60 years choose to be paid a pension calculated in accordance with Regulation 5 reduced by a neutral percentage for each year (and so in proportion for any part of a year) by which the member's age at the time when payment of the pension starts falls short of the age of 65 years.

(1C) If a member who chooses to take a deferred pension in accordance with paragraph (1A)(a) is a category A or category B member, the member may at any time within the 5 years before attaining normal retiring age choose to be paid a pension calculated in accordance with Regulation 5 reduced by a neutral percentage for each year (and so in proportion for any part of a year) by which the member's age at the time when payment of the pension starts falls short of the member's normal retiring age.

(1D) In paragraph (1B) and (1C) a 'neutral percentage', in respect of a reduced pension paid early to a member, means such percentage, as is calculated by the Actuary at the time payment of the reduced pension starts, as shall ensure that payment of the reduced pension will have the same effect on the funds of the scheme as payment of a pension calculated in accordance with Regulation 5 and not paid early would have had."

4 Regulations 17 substituted

For Regulation 17 of the principal Regulations there shall be substituted the following Regulation –

"17 Augmentation

- (1) The Committee shall at the request of the employer award an augmentation in respect of an employee or former employee in accordance with this Regulation.
- (2) The Committee shall at the request of the employer award an augmentation in respect of a former employee if the Committee is satisfied that –
 - (a) the request is the result of an agreement between the employer and the employer's employees; and

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- (b) the agreement applies retrospectively, and applies to some or all of the employer's former employees.
- (3) An augmentation shall consist of any combination, as determined by the employer, of –
 - (a) a period of notional pensionable service;
 - (b) a period of notional qualifying service; or
 - (c) the non-application of the reduction mentioned in Regulation 6(6), Regulation 6A(6), Regulation 8(1B) or Regulation 8(1C), as the case may be.
 - (4) If augmentation awarded under this Regulation is to include a period of notional qualifying service the employer must request the augmentation at the time the benefits arising from the augmentation become payable.
 - (5) Where augmentation is awarded under this Regulation, the employer must pay to the scheme such additional contributions as the Committee, after receiving the advice of the Actuary, determines is equal to the value of the benefits awarded.
 - (6) The additional contributions must be paid in full by the time the benefits arising from the augmentation become payable and may consist of –
 - (a) a single cash payment to the scheme;
 - (b) a series of cash payments to the scheme over a period; or
 - (c) a combination of subparagraphs (a) and (b),as determined by the Committee after receiving the advice of the Actuary.
 - (7) An augmentation may not be awarded under this Regulation more than 12 months after the employee was admitted or re-admitted to the scheme.
 - (8) The Policy and Resources Committee may, in any particular case, extend the period mentioned in paragraph (7).
 - (9) An augmentation may not be awarded under this Regulation in any case where the total benefits that would result would exceed any limits imposed by the Comptroller of Income Tax.
 - (10) The Committee shall direct the Actuary at least once in any period of 12 months to certify to the Committee the additional cost to the scheme of the operation of this Regulation, calculating it as the aggregate of the additional contributions required under paragraphs (5) and (6).”

5 Regulation 17 amended

For Regulation 17(8) of the principal Regulations there shall be substituted the following paragraph –

“(8) The Minister may, in any particular case, extend the period mentioned in paragraph (7).”.

6 Citation and commencement

- (1) These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 2005.
- (2) Subject to paragraph (3), these Regulations shall come into force on 1st January 2006.
- (3) If Article 42(3) of the States of Jersey Law 2005³ is not in force on 1st January 2006, Regulation 5 shall come into force on the commencement of that Article.

M.N. DE LA HAYE

Greffier of the States.

¹ Chapter 16.650.

² Chapter 16.650.60.

³ L.8/2005.