



Jersey

TEACHERS' SUPERANNUATION (JERSEY) LAW 1979

Official Consolidated Version

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Showing the law from 1 January 2019 to Current



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TEACHERS' SUPERANNUATION (JERSEY) LAW 1979¹

A LAW to make new provisions in relation to pensions and other similar benefits payable to, and in respect of, teachers and certain other persons employed in connection with the provision of educational services; to treat as having applied to Jersey certain principal and subordinate enactments of the Parliament of the United Kingdom relating to the matters aforesaid; and for connected purposes

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

“Actuary” means the person appointed under Article 3(11) to be the Actuary in relation to the Fund;

“Fund” means the fund established by Article 3;

“Management Board” means the Management Board established by an Order in accordance with Article 2(2)(ha);

“Minister” means the Chief Minister;

“pension” includes allowance, gratuity or other benefit;

“prescribed” means prescribed by Order made under this Law by the Minister.²

2 Provision of pensions

- (1) The Minister shall, by Order, prescribe the pensions which, subject to the fulfilment of such requirements and conditions as shall be prescribed, are to be, or may be, paid, out of the Fund, to or in respect of teachers and shall prescribe the means by which the cost of providing the pensions is to be defrayed, including the contributions or other payments to be made by teachers and their employers.³
- (2) Without prejudice to the generality of paragraph (1), Orders made under this Article may –
 - (a) provide for the Minister to enter into reciprocal arrangements with employers and for there to be paid from and received into the Fund transfer

values, or, in the place of them, for there to be transferred or received any fund or part of a fund or policy of insurance;

- (b) provide for reckoning in respect of a teacher any service in employment or as the holder of an office in respect of which a pension is not payable under this Law as service in respect of which a pension is payable, either unconditionally or subject to such conditions as may be prescribed and either as respects the whole of the service or such fraction thereof as may be so prescribed;
- (c) prescribe the circumstances in which prescribed contributions, or any part thereof, paid by a teacher may be repaid with or without interest;
- (d) secure that where –
 - (i) provision is made by Order for the payment to or in respect of a teacher of a pension in consequence of their having become incapacitated, or having died, as a result of an injury sustained, or disease contracted in prescribed circumstances, and
 - (ii) any damages in respect of the injury, disease or death in consequence of which the pension is paid are recovered by or on behalf of the person to whom the pension is paid,

the amount of any payments made to that person in respect of the pension before the right to, or amount of, such damages is finally determined, or such part of these payments as may be prescribed, may be recovered from that person in such circumstances and subject to such conditions as may be prescribed;

- (e) authorize the payment, without probate or other proof of title, of any sum due under such an Order in respect of a person who has died to the person charged with the administration of the person's property or such other person as may be prescribed;
- (f) render void any assignment of, or charge on, or any agreement to assign or charge, any pension payable under such an Order, and provide that on the bankruptcy of any person entitled to such a pension no part thereof shall pass to any other person except on the order of a court made in pursuance of a prescribed enactment or a prescribed provision of customary law;
- (g) provide for the determination of any question arising under such an Order and for any decision which falls to be taken by the Minister or Management Board in accordance with the Order to be final;
- (h) confer on such persons as may be prescribed such functions as the Minister considers necessary or expedient for the purposes of such an Order;
- (ha) establish a Management Board comprised of the prescribed persons and having, in addition to any powers or duties conferred or imposed by this Law, the prescribed powers, prescribed duties and prescribed functions in relation to the management of the Fund;
- (hb) provide for the circumstances in which increases in pensions may be payable by the Fund;
- (hc) provide what is to happen if a report of the Actuary under Article 3(13) or under the Order shows a deficiency or disposable surplus in the Fund;

- (hd) provide that where a lump sum becomes payable under the scheme on the death of a teacher, the Management Board shall determine –
 - (i) the recipients (whether individuals or persons),
 - (ii) whether the lump sum is to be paid wholly to one recipient or in parts to more than one recipient,
 - (iii) whether the lump sum is to be paid in full, partially or not at all;
 - (i) repeal or amend any enactment which is inconsistent with, or has become unnecessary or requires modification in consequence of, such an Order;
 - (j) include such incidental, supplementary and transitional provisions as appear to be necessary or expedient;
 - (k) make different provisions as respects different classes of persons and different circumstances.⁴
- (2A) The Management Board may delegate all or any of the powers, duties or functions conferred or imposed on it under this Law or an Order made under this Law.⁵
- (2B) However, the Management Board shall not, without the consent of the Minister for Treasury and Resources, delegate any power, duty or function relating to the investment of money in the Fund.⁶
- (3) In this Article, “teachers” includes such persons as may be prescribed, being persons employed otherwise than as teachers –
- (a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers; or
 - (b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.
- (4) Orders made under this Article may be framed –
- (a) so as to apply in relation to the pension which is being paid or may become payable thereunder to or in respect of a person who, having served in an employment, service which is pensionable under such an Order, has ceased to serve therein or died before it comes into operation; or
 - (b) so as to require or authorize the payment of pensions to or in respect of such persons,
- but such an Order shall not place any person in a worse position than the person would have been if it had not applied to a pension which is being paid or may become payable to the person, unless the person is given an opportunity by the Order to elect that it shall not so apply.⁷
- (5) An Order made under this Article may be framed so as to have effect from a date earlier than the date on which it is made:
- Provided that such an Order shall not place any person who is qualified to participate in the benefits for which it provides in a worse position than the person would have been in if the Order had had effect only from the date on which it was made.
- (6) An Order made under this Article after 1 January 2007 and before 1 January 2008 may specify that it shall be taken to have come into force from 1 January 2007, if the Order does not apply to or in respect of a teacher other than a teacher who has

after 1 January 2007 entered, or re-entered, into service in respect of which a pension is or may be payable under this Law.⁸

- (7) An Order to which paragraph (6) applies may contain –
 - (a) provisions in relation to the repeal or amendment of any enactment which is inconsistent with, or has become unnecessary or requires modification in consequence of, the Order; and
 - (b) provisions relating to the retrospective operation and effect of the Order.⁹
- (8) The proviso to paragraph (5) shall not apply in relation to an Order to which paragraph (6) applies.¹⁰

3 Teachers' Superannuation Fund

- (1) For the purposes of this Law there shall be established a fund to be known as the "Teachers' Superannuation Fund".¹¹
- (2) There shall be paid into the Fund –
 - (a) the contributions or other payments made under Article 2(1), or Article 5(2);
 - (b) any dividends or interest arising out of the investment of the Fund or any part thereof, and any capital sums resulting from the realization of any such investments;
 - (c) any amounts received by way of transfer values under reciprocal arrangements entered into by the Minister;
 - (d) any other sums which the States may become liable to contribute to the Fund.
- (3) There shall be paid out of the Fund –
 - (a) prescribed pensions and any increases in pensions;
 - (b) any sum payable in respect of repaid contributions, and any interest payable thereon;
 - (c) any sums payable by way of transfer values under reciprocal arrangements entered into by the Minister;
 - (d) any allowances and gratuities payable under Article 5(2);
 - (e) any administrative expenses of the Fund.¹²
- (4) Any monies in the Fund which are not for the time being required for the purposes described in paragraph (3) may be paid over to –
 - (a) an investment manager; or
 - (b) the Treasurer of the States,and may, by either of them, be invested in accordance with any directions that may be given by the Management Board.¹³
- (5) The Minister may by Order make provision in relation to the appointment of investment managers by the Management Board.¹⁴
- (5A) The Management Board may, after consultation with the Minister for Treasury and Resources, appoint one or more investment managers in accordance with an Order made under paragraph (5).¹⁵

- (6) An Order made under paragraph (5) shall include provisions –
- (a) to ensure –
 - (i) the appointment of a suitable person or persons, and
 - (ii) that regard is paid to the need for diversification of investment of the assets of the fund; and
 - (b) relating to the –
 - (i) suitability of investments which the manager proposes to make,
 - (ii) retention of control by the Management Board over the investments and over the application of the assets of the fund, and
 - (iii) terms and conditions of appointment of investment managers including the further delegation by such investment managers of the powers of management and investment given by such appointment.¹⁶
- (7) The Management Board, in giving any directions as to the investment of the monies of the Fund pursuant to paragraph (4), shall have regard to the –
- (i) need for diversification of investment of fund monies,
 - (ii) suitability of investments of any description which are proposed to be made, and
 - (iii) obtaining, at reasonable intervals, of proper advice.¹⁷
- (8) In this Article –
- (a) “investment manager” means a person or persons reasonably believed by the Management Board to be suitably qualified by ability in and practical experience of financial matters to make investment decisions on its behalf;
 - (b) the reference in paragraph (7)(iii) to “proper advice” is a reference to the advice of a person or persons reasonably believed by the Management Board to be qualified by the person’s ability in and practical experience of financial matters to give such advice.¹⁸
- (9) The Treasurer of the States may borrow money in order to obtain currency, other than sterling, required for any purpose connected with the investment of the Fund.¹⁹
- (10) The Management Board shall ensure that regular meetings to discuss the management of the Fund are held between it and the investment managers.²⁰
- (11) The Management Board shall, with the approval of the Minister after the Minister has consulted with the Minister for Treasury and Resources, appoint a person with the prescribed qualifications, if any, to be the Actuary in relation to the Fund.²¹
- (12) The Actuary shall review the operation of the Fund in respect of –
- (a) each 5 year period beginning on the 1st September 1986; or
 - (b) each period, of less than 5 years, that the Minister may, after consultation with the Management Board, determine,
- and shall complete the review as soon as practicable after the end of that period.²²
- (13) On each review under paragraph (12), the Actuary shall make a report to the Minister, the Minister for Treasury and Resources and the Management Board on –
- (a) the financial condition of the Fund; and

- (b) the adequacy or otherwise of the contributions payable under this Law to support the pensions and other benefits payable under this Law.²³
- (14) A copy of every report under paragraph (13) shall be laid by the Minister before the States as soon as practicable after it is made.²⁴

4 Offences

Any person who, knowingly, by means of any false representation, statement or document, or by personation or other fraudulent means, obtains or attempts to obtain, for himself or herself, or for any other person, any pension, or any increase in, or payment in respect of, such a pension or any sum by way of repaid contributions, under any Order made under this Law, shall be guilty of an offence and shall be liable to a fine or to imprisonment for a term not exceeding 2 years or to both such fine and such imprisonment.

5 Repeal and saving

- (1) Subject to paragraph (2) of this Article, the Laws listed in the Schedule to this Law shall be deemed to have been repealed from such date or dates as may be prescribed.
- (2) The repeal of the Laws listed in the Schedule to this Law shall not affect their operation in relation to –
 - (a) any annual allowance which began to accrue under those Laws before the date of their repeal;
 - (b) any additional allowance or gratuity which became payable under those Laws before that date; or
 - (c) any liability to pay contributions under those Laws in respect of the person to or in respect of whom any such allowance or gratuity was granted,

and such allowances and gratuities shall be payable out of, and such contributions shall be payable into, the Fund as though they were prescribed pensions and contributions.

6 Transitory provisions

- (1) For the purpose of preserving parity with England and Wales as regards the superannuation of teachers, as defined in Article 2(3), who are employed in Jersey at the time of the coming into force of this Article, or who were employed in Jersey during such period preceding that time as may be prescribed, the Minister may by Order apply to Jersey, subject to such modifications, adaptations or exceptions as may be prescribed, such of the provisions of –
 - (a) the Teachers' Superannuation Act 1965, an Act of Parliament of the United Kingdom;
 - (b) the Teachers' Superannuation Act 1967, an Act of Parliament of the United Kingdom;
 - (c) the Superannuation Act 1972, an Act of Parliament of the United Kingdom, insofar as the Act applies to teachers;

(d) any enactments made under any of those Acts,

as may be prescribed, whether or not those Acts or subordinate enactments are in force in England and Wales at the time they are applied to Jersey under this paragraph, and they shall, in their application to Jersey, be deemed to have had effect from the date on which they came into force in England and Wales until the date on which they ceased to be in force there, or such earlier date or dates as may be prescribed.

- (2) An Order made under this Article may contain such incidental, supplementary and consequential provisions as appear to be necessary or expedient.

7 Orders²⁵

- (1) The Minister may make Orders prescribing anything which by this Law is to be prescribed.
- (2) Before making an Order under this Law, the Minister shall consult with the Management Board.

8 Citation

This Law may be cited as the Teachers' Superannuation (Jersey) Law 1979.

SCHEDULE

(Article 5)

REPEALS

Loi (1919) sur les pensions de retraite scolaires.

Loi (1923) sur les pensions de retraite scolaires.

Loi (1924) (Amendement) sur les pensions de retraite scolaires.

Loi (1928) sur les pensions de retraite scolaires.

Teachers (Superannuation) (Jersey) Law 1948.

Teachers (Superannuation) (War Service) (Jersey) Law 1948.

Teachers (Superannuation) (No. 2) (Jersey) Law 1948.

Teachers (Superannuation) (Jersey) Law 1949.

Teachers (Superannuation) (Jersey) Law 1957.

Teachers (Superannuation) (Jersey) Law 1958.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Teachers' Superannuation (Jersey) Law 1979	L.21/1979	20 August 1986, (except Articles 2, 3, 4 which came into force 1 September 1986 (R&O.7531))
Teachers' Superannuation (Amendment) (Jersey) Law 1996	L.30/1996	1 January 1997 (R&O.9031)
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005
Teachers' Superannuation (Amendment No.2) (Jersey) Law 2007	L.7/2007	12 January 2007

Table of Renumbered Provisions

Original	Current
2(2)(j)	2(2)(i)
(k)	(j)
(l)	(k)
(3)(i)	(3)(a)
(ii)	(b)
3(2)(d)	spent, omitted from this revised edition
(2)(e)	3(2)(d)
(3A)	(4)
(3B)	(5)
(3C)	(6)
(3D)	(7)
(3E)	(8)
(4)	(9)
(5)	(10)
(6)	(11)
(7)	(12)
8(1)	8
(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1 amended by L.7/2007*
- ³ *Article 2(1) amended by L.7/2007*
- ⁴ *Article 2(2) amended by L.7/2007*
- ⁵ *Article 2(2A) inserted by L.7/2007*
- ⁶ *Article 2(2B) inserted by L.7/2007*
- ⁷ *Article 2(4) amended by L.7/2007*
- ⁸ *Article 2(6) inserted by L.7/2007*
- ⁹ *Article 2(7) inserted by L.7/2007*
- ¹⁰ *Article 2(8) inserted by L.7/2007*
- ¹¹ *Article 3(1) amended by L.7/2007*
- ¹² *Article 3(3) amended by L.30/1996, L.7/2007*
- ¹³ *Article 3(4) inserted by L.30/1996, substituted by L.7/2007*
- ¹⁴ *Article 3(5) substituted by R&O.133/2005, L.7/2007*
- ¹⁵ *Article 3(5A) inserted by L.7/2007*
- ¹⁶ *Article 3(6) inserted by L.30/1996, amended by L.7/2007*
- ¹⁷ *Article 3(7) inserted by L.30/1996, amended by L.7/2007*
- ¹⁸ *Article 3(8) inserted by L.30/1996, amended by L.7/2007*
- ¹⁹ *Article 3(9) amended by L.30/1996, L.7/2007*
- ²⁰ *Article 3(10) substituted by R&O.133/2005, L.7/2007*
- ²¹ *Article 3(11) inserted by L.7/2007*
- ²² *Article 3(12) inserted by L.7/2007*
- ²³ *Article 3(13) inserted by L.7/2007*
- ²⁴ *Article 3(14) inserted by L.7/2007*
- ²⁵ *Article 7 substituted by L.7/2007*