



Jersey

**PUBLIC EMPLOYEES (PENSION SCHEME)
(TRANSITIONAL PROVISIONS, SAVINGS
AND CONSEQUENTIAL AMENDMENTS)
(JERSEY) REGULATIONS 2015**

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PUBLIC EMPLOYEES (PENSION SCHEME) (TRANSITIONAL PROVISIONS, SAVINGS AND CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 2015

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PUBLIC EMPLOYEES (PENSION SCHEME) (TRANSITIONAL PROVISIONS, SAVINGS AND CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 2015

THE STATES, in pursuance of Articles 2, 10 and 11 of the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#) and Article 2 of the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#), have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1 Interpretation

- (1) In these Regulations, unless the context indicates otherwise –
- “1967 Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(Jersey\) Regulations 1967](#);
 - “1967 Scheme” has the meaning given in Article 1(1) of the Law;
 - “1967 Scheme employer” means an employer who –
 - (a) is admitted to the 1967 Scheme under repealed Regulation 9 of the General Regulations; or
 - (b) is treated as if admitted to the 1967 Scheme under any enactment which provides for that employer to become an employer for the purposes of that scheme in respect of members of that scheme whose employment with the States Employment Board is transferred to that employer;
 - “1967 Scheme Regulations” has the meaning given in Article 1(1) of the Law;
 - “1967 Scheme retirement benefits” shall be construed in accordance with Regulation 7(1);
 - “1992 Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(Former Hospital Scheme\) \(Jersey\) Regulations 1992](#);
 - “active member” means a person who is in Scheme employment and becomes a member of the Scheme under Regulation 2, 3(2)(a) or (c), or 4;

“Actuary” means a person appointed in accordance with Regulation 10 of the Administration Regulations, to give actuarial advice in respect of the fund;

“added years” means, with effect from 1st January 2019, such period of additional pensionable service as may be granted to a member on account of an employer-initiated pensionable earnings reduction and awarded by way of compensation under Regulation 9A;

“Administration Regulations” means the [Public Employees \(Pension Scheme\) \(Administration\) \(Jersey\) Regulations 2015](#);

“Administrator” shall be construed in accordance with Regulation 19 of the Administration Regulations;

“admission agreement” means an agreement between the Minister and a 1967 Scheme employer or such an employer admitted to the Scheme under Regulation 16(1), which sets out the terms upon which that employer is admitted to the 1967 Scheme or the Scheme, as the case may be;

“Airport Rescue and Firefighting Service” has the meaning given in Article 1 of the Fire and Rescue Service Law;

“air traffic control unit” has the meaning given in Article 1(1) of the [Air Navigation \(Jersey\) Law 2014](#);

“annual pension increase” has the meaning given in Regulation 8 of the Funding and Valuation Regulations;

“certificate” means a certificate obtained by the Committee from the Actuary as to the amounts to be contributed by a 1967 Scheme employer in relation to that scheme, in accordance with repealed Regulation 9(1)(c)(i) of the General Regulations;

“Committee” means the “Committee of Management” construed in accordance with Article 4 of the Law and Regulation 2 of the Administration Regulations;

“continuing member of the 1967 Scheme” shall be construed in accordance with Regulation 3(2)(b);

“contributing member of the 1967 Scheme” means –

- (a) a “contributory member” within the meaning of Regulation 4 of the 1967 Regulations;
- (b) a “category A member” and a “category B member” within the meaning of Regulation 1 of the Existing Members Regulations or Regulation 1 of the New Members Regulations;
- (c) a “category C” member within the meaning of Regulation 1 of the New Members Regulations;
- (d) a “member” within the meaning of Regulation 1 of the Existing Members Regulations or Regulation 1 of the New Members Regulations, who is not a category A, category B or category C member; and
- (e) a “member” within the meaning of Regulation 1 of the 1992 Regulations;

“employer” means the States Employment Board or an admitted employer within the meaning of Regulation 1 of the Membership and Benefits Regulations;

“employer-initiated pensionable earnings reduction” means, with effect from 1st January 2019, in relation to a transition member’s pensionable earnings, the application of a reduction to those earnings on or after the transition date by an employer as a result of –

- (a) a workforce or other organisational restructure affecting that member's employment; or
- (b) a re-evaluation of any salary scale or structure that may apply in respect of that member's employment;

“Existing Members Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(Existing Members\) \(Jersey\) Regulations 1989](#);

“Fire and Rescue Service Law” means the [Fire and Rescue Service \(Jersey\) Law 2011](#);

“Funding and Valuation Regulations” means the [Public Employees \(Pension Scheme\) \(Funding and Valuation\) \(Jersey\) Regulations 2015](#);

“General Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(General\) \(Jersey\) Regulations 1989](#);

“ill-health retired member” means a person in receipt of a pension under the relevant 1967 Scheme ill-health retirement Regulations within the meaning of Regulation 13(1);

“Independent Occupational Health Adviser” means a person who is appointed by the States Employment Board (the “Board”) for the purpose of enabling the Board to discharge its function of ensuring the health, safety and well-being of States' employees under Article 8(1)(c) of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“Law” means the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#);

“member of the 1967 Scheme” means a contributing member of that scheme;

“Membership and Benefits Regulations” means the [Public Employees \(Pension Scheme\) \(Membership and Benefits\) \(Jersey\) Regulations 2015](#);

“Minister” means the Chief Minister;

“New Members Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(New Members\) \(Jersey\) Regulations 1989](#);

“pension administration strategy” means a written statement of policies, procedures and obligations governing the administration of the respective schemes, prepared under Regulation 20 of the Administration Regulations;

“pensioner member” shall be construed in accordance with Regulation 12 of the Membership and Benefits Regulations;

“pensionable earnings reduction date” means, with effect from 1st January 2019, the date an employer-initiated pensionable earnings reduction is applied;

“pensionable earnings” has, with effect from 1st January 2019, the same meaning as in Regulation 4 of the Membership and Benefits Regulations;

“pensionable service” means a period of employment computed in years and complete days which qualifies a person to accrue retirement benefits under the respective schemes;

“prison officer” has the meaning given in Article 1(1) of the [Prison \(Jersey\) Law 1957](#);

“relevant date” has the meaning given in Regulation 9(1);

“respective schemes” has the meaning given in Article 1(1) of the Law, and “schemes” shall be construed accordingly;

“Scheme” means the Public Employees Pension Scheme referred to in Article 2(1) of the Law;

“Scheme employment” means employment by virtue of which a person is eligible to be an active member of the Scheme;

“Scheme retirement benefits” and “1967 Scheme retirement benefits” shall be construed in accordance with Regulation 8;

“transition date” means 1st January 2019, or in relation to a continuing member of the 1967 Scheme in respect of whom Regulation 4 applies, the date that member changes his or her employment;

“transition member” means a person who becomes an active member of the Scheme under Regulation 2, 3(2)(a) or (c) or 4, or who elects to be treated as a transition member under Regulation 13(5);

“uniformed member” in relation to the Scheme has the same meaning as in Regulation 1 of the Membership and Benefits Regulations;

“uniformed service” means –

- (a) the Airport Rescue and Firefighting Service;
- (b) the air traffic control unit maintained at Jersey Airport;
- (c) persons employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) for the purposes of discharging the States of Jersey’s ambulance service;
- (d) the person employed as the prison Governor or persons employed as prison officers for the purposes of the [Prison \(Jersey\) Law 1957](#);
- (e) the States of Jersey Fire and Rescue Service (within the meaning of Article 3 of the Fire and Rescue Service Law);
- (f) the States Police Force (within the meaning of Article 1 of the [States of Jersey Police Force Law 2012](#));

“valuation” has the meaning given in Regulation 3(1) of the Funding and Valuation Regulations.¹

(2) In these Regulations –

- (a) where a word or expression is used in relation to the 1967 Scheme Regulations, that word or expression is to be construed in accordance with the meaning given to it in those Regulations; and
- (b) the expressions “normal retiring age”, and with effect from 1st January 2019 “salary”, when used in relation to a transition member, have the meaning assigned to those expressions under whichever of the 1967 Scheme Regulations applied to that member immediately before the transition date.²

(3) Any reference in these Regulations to repealed Regulation 5, 7, 9, 9A, 9B or 11 of the General Regulations (or any provision of those Regulations) is a reference to those Regulations (or provision of those Regulations) as they were in force immediately prior to their repeal by paragraph 3(4) of Schedule 1 to these Regulations.

PART 2

MEMBERSHIP

2 Automatic membership of the Scheme on 1st January 2019³

- (1) This Regulation applies to the following description of contributing members of the 1967 Scheme –
 - (a) in relation to the 1967 Regulations, a contributory member in respect of whom Regulation 17, 18, 19, 20 or 20A of those Regulations does not apply, and who as at the day before 1st January 2019 has not attained the age of 58 in the case of a man, or the age of 53 in the case of a woman;
 - (b) in relation to the Existing Members Regulations or New Members Regulations, a member who is not a category A, category B or category C member and who as at the day before 1st January 2019 has not attained the age of 58;
 - (c) in relation to the New Members Regulations, a member who is –
 - (i) a category A member and who as at the day before 1st January 2019 has not attained the age of 48, or
 - (ii) a category B or category C member and who as at the day before 1st January 2019 has not attained the age of 53; and
 - (d) in relation to the 1992 Regulations, a member who as at the day before 1st January 2019 has not attained the age of 58 in the case of a man, or the age of 53 in the case of a woman.⁴
- (2) On 1st January 2019, a member of the 1967 Scheme in respect of whom this Regulation applies shall –
 - (a) cease to be a member of the 1967 Scheme, and shall cease to accrue retirement benefits under that scheme; and
 - (b) become an active member of the Scheme.⁵

3 Optional membership of the Scheme

- (1) This Regulation applies to a contributing member of the 1967 Scheme not falling within a description specified in Regulation 2(1).
- (2) A person in respect of whom this Regulation applies, who before 1st January 2019 –
 - (a) opts not to remain a member of the 1967 Scheme, shall on 1st January 2019 –
 - (i) cease to be a member of the 1967 Scheme, and shall cease to accrue retirement benefits under that scheme, and
 - (ii) become an active member of the Scheme;
 - (b) opts to remain a member of the 1967 Scheme –
 - (i) shall not, except where that member has ceased to be an employee on or after 1st January 2019, be eligible to become an active member of the Scheme on or after 1st January 2019, and
 - (ii) shall for the purposes of Scheme Regulations, be referred to as a “continuing member of the 1967 Scheme”; or

- (c) has not exercised either of the options referred to in sub-paragraphs (a) and (b), shall be taken to have opted not to remain a member of the 1967 Scheme, and sub-paragraph (a) shall apply in respect of that member.⁶

4 Change of category of membership by a continuing member of the 1967 Scheme

- (1) This Regulation applies to a continuing member of the 1967 Scheme.
- (2) For the purposes of this Regulation –
 - (a) a “uniformed member” in relation to a continuing member of the 1967 Scheme means –
 - (i) a member under the 1967 Regulations in respect of whom Regulation 17, 18, 19, 20 or 20A of those Regulations applies, or
 - (ii) a category A, category B or category C member under the Existing Members Regulations or New Members Regulations;
 - (b) an “ordinary member” in relation to a continuing member of the 1967 Scheme means –
 - (i) a member under the 1967 Regulations in respect of whom Regulation 17, 18, 19, 20 or 20A of those Regulations does not apply,
 - (ii) a member who is not a category A or category B member under the Existing Members Regulations or New Members Regulations, or a member who is not a category C member under the New Members Regulations, or
 - (iii) a member in respect of whom the 1992 Regulations apply; and
 - (c) an “ordinary member” in relation to the Scheme has the same meaning as in Regulation 1 of the Membership and Benefits Regulations.
- (3) If a uniformed member in respect of whom this Regulation applies changes employment in consequence of which he or she ceases to be eligible to be a uniformed member, that member shall cease to be a continuing member of the 1967 Scheme and shall become an ordinary member of the Scheme.
- (4) If an ordinary member to whom this Regulation applies changes employment in consequence of which he or she is eligible to become a uniformed member, that member shall cease to be continuing member of the 1967 Scheme and shall become a uniformed member of the Scheme.
- (5) Retirement benefits accrued under the 1967 Scheme before the transition date shall, for the purposes of Article 10(7) of the Law, be regarded as pension rights accrued as at that date and for the purposes of Article 11(3) of the Law those retirement benefits shall be calculated as at that date in accordance with Article 11(2)(b) of the Law and Regulation 9 or, with effect from 1st January 2019, Regulation 9B notwithstanding that the member became a member of the Scheme after 1st January 2019.⁷

PART 3

TRANSITIONAL PROVISIONS

Transition members: benefits etc.

5 Additional voluntary contributions

- (1) The payment of additional voluntary contributions under the Existing Members Regulations or New Members Regulations shall cease on the day before the transition date.
- (2) The added years to which a transition member is entitled by reason of the contributions referred to in paragraph (1), shall be added to the pensionable service accrued by that transition member whilst he or she was a member of the 1967 Scheme.
- (3) The Administrator shall within 3 months following the date that the payment of additional contributions ceases under paragraph (1), supply the transition member with a statement setting out the amount of additional pensionable service that he or she has accrued under the 1967 Scheme by reason of the additional voluntary contributions the member has paid under that scheme.

6 Payments on or after the transition date

Any salary or pensionable allowance paid to a transition member, or contribution paid by a transition member on or after the transition date which relates to that transition member's employment whilst he or she was a member of the 1967 Scheme, shall be dealt with in accordance with whichever of the 1967 Scheme Regulations applied to that transition member immediately before the transition date.

7 Retirement benefits

- (1) A transition member is entitled to receive payment of his or her retirement benefits accrued under the 1967 Scheme ("1967 Scheme retirement benefits"), in accordance with this Regulation.
- (2) Unless earlier payment has been received in accordance with the provisions of this Regulation, a transition member on attaining his or her normal retiring age is entitled to the immediate payment of his or her 1967 Scheme retirement benefits calculated in accordance with –
 - (a) whichever of the 1967 Scheme Regulations applied to that member immediately before the transition date; and
 - (b) Regulation 9 or, with effect from 1st January 2019, Regulation 9B for the purpose of calculating final pensionable earnings as at the relevant date.⁸
- (3) This paragraph applies to a transition member who under the 1967 Scheme Regulations is entitled to the payment of his or her 1967 Scheme retirement benefits (with or without actuarial reduction) from an age earlier than his or her normal retiring age.
- (4) A transition member in respect of whom paragraph (3) applies may, upon attaining the earlier age referred to in paragraph (3), apply to the Administrator upon leaving

- Scheme employment, for the immediate payment of his or her 1967 Scheme retirement benefits calculated in accordance with –
- (a) whichever of the 1967 Scheme Regulations applied to that member immediately before the transition date; and
 - (b) Regulation 9 or, with effect from 1st January 2019, Regulation 9B for the purpose of calculating final pensionable earnings as at the relevant date.⁹
- (5) This paragraph applies to a transition member who is a prison officer who has attained age 55 and who immediately 1st January 2019 was –
- (a) a category A member of the 1967 Scheme employed as a prison officer before 1st February 2013; or
 - (b) a prison officer in respect of whom Regulation 20A of the 1967 Regulations applied.¹⁰
- (6) A transition member in respect of whom paragraph (5) applies, is entitled to the immediate payment of his or her 1967 Scheme retirement benefits calculated in accordance with –
- (a) whichever of the 1967 Scheme Regulations (referred to in paragraph (5)) applied to that member immediately 1st January 2019; and
 - (b) Regulation 9 or, with effect from 1st January 2019, Regulation 9B for the purpose of calculating final pensionable earnings as at the relevant date, and age 55 shall be taken to be normal retiring age for the purposes of the relevant date described in Article 11(2)(b)(i) of the Law.¹¹
- (7) This paragraph applies to a transition member who –
- (a) has accrued a deferred pension under the 1967 Scheme in relation to a period of pensionable service under that scheme in respect of which that transition member ceased to be an employee;
 - (b) on re-admittance to the 1967 Scheme has not requested that his or her previous period of pensionable service be treated as continuous with his or her subsequent period of pensionable service; and
 - (c) is in Scheme employment as at the date he or she would otherwise have become entitled to payment of his or her deferred pension under the 1967 Scheme, had that member not become a transition member.
- (8) A transition member in respect of whom paragraph (7) applies, is entitled to apply to the Administrator for the immediate payment of his or her 1967 Scheme deferred pension calculated –
- (a) in accordance with whichever of the 1967 Scheme Regulations applied to that member immediately before the transition date (with or without any actuarial reduction, as the case may be, and including any increase applied under repealed Regulation 11 of the General Regulations);
 - (b) as at the date the member ceased to be an employee in respect of that previous period of pensionable service under the 1967 Scheme; and
 - (c) with any annual pension increase applied to that pension, from 1st January 2016 to the date of its payment, in accordance with Regulation 8 or 12(2)(a) of, and paragraph 2 of Schedule 1, to the Funding and Valuation Regulations.¹²
- (9) A transition member in respect of whom a terminal illness lump sum is payable under Regulation 33 of the Membership and Benefits Regulations, or an ill-health pension is payable under Regulation 36 of those Regulations, shall at the same time

- as that lump sum or pension is paid, receive payment of his or her 1967 Scheme retirement benefits as if he or she had attained his or her normal retiring age as at the date of payment of those benefits, calculated in accordance with –
- (a) whichever of the 1967 Scheme Regulations applied to that member immediately before the transition date; and
 - (b) Regulation 9 or, with effect from 1st January 2019, Regulation 9B for the purpose of calculating final pensionable earnings as at the relevant date.¹³
- (10) Where a transition member is entitled to receive payment of Scheme retirement benefits by reason of voluntary early retirement under Regulation 30 of the Membership and Benefits Regulations, that member shall also be entitled to payment of his or her 1967 Scheme retirement benefits and –
- (a) Regulation 8 of the General Regulations shall apply for the purposes of the calculation of the 1967 Scheme retirement benefits; and
 - (b) Regulation 9 or, with effect from 1st January 2019, Regulation 9B of these Regulations shall apply for the purpose calculating final pensionable earnings as at the relevant date.¹⁴
- (11) A transition member who leaves Scheme employment before he or she is entitled to the payment of retirement benefits under the 1967 Scheme shall –
- (a) continue to be entitled to a deferred pension under whichever of the 1967 Scheme Regulations applied to that member immediately before the transition date, and which when payable under those Regulations, shall be calculated in accordance with Regulation 9 or, with effect from 1st January 2019, Regulation 9B for the purpose calculating final pensionable earnings as at the relevant date; or
 - (b) be entitled to a transfer payment out of the fund in accordance with Regulation 22 of the Administration Regulations and Regulation 15(1) of these Regulations.¹⁵
- (12) Unless an election as required under Regulation 15 of the Existing Members Regulations or Regulation 15 of the New Members Regulations, as the case may be, has been made before the transition date, the calculation of 1967 Scheme retirement benefits referred to in paragraphs (2)(a), (4)(a), (6)(a), (8)(a), (9)(a), (10)(a) or (11)(a), shall not include an adjustment under Regulation 15 of those respective Regulations, as the case may be.

8 Conversion of 1967 Scheme retirement benefits into lump sum

- (1) This Regulation applies to a transition member who was a member of the 1967 Scheme under the Existing Members Regulations or New Members Regulations.
- (2) A transition member –
- (a) who falls within one of the descriptions of members specified in Regulation 31(1) of the Membership and Benefits Regulations; and
 - (b) in respect of whom Regulation 7(2), (3), (5)(a), (7), (9) (10) or (11)(a) applies,
- may apply to the Administrator to exchange up to 30% of his or her 1967 Scheme retirement benefits for a lump sum payment.
- (3) Regulation 31 of the Membership and Benefits Regulations shall apply for the purposes of that exchange.

9 Calculation of final pensionable earnings

- (1) In this Regulation and, with effect from 1st January 2019, Regulation 9B “relevant date” means in relation to a transition member –
 - (a) a date ending at any of the points described in Article 11(2)(b) of the Law which applies in respect of that transition member; or
 - (b) the date of the transition member’s death.¹⁶
- (1A) With effect from 1st January 2019, this Regulation does not apply to a transition member awarded added years under Regulation 9A, and Regulation 9B is to apply instead for the purposes of calculating the member’s final pensionable earnings by reference to the relevant date.¹⁷
- (2) This paragraph applies to a transition member who was a member of the 1967 Scheme under the Existing Members Regulations or New Members Regulations.
- (3) With effect from 1st January 2019, where paragraph (2) applies, a transition member’s final pensionable earnings for the purposes of Article 11(2)(b), (3) and (4)(a) of the Law, must be calculated by reference to –
 - (a) in the case of a transition member who has completed 10 or more years’ pensionable service under the Scheme, the highest of that member’s pensionable earnings over 365 consecutive days in the 10 years prior to, and ending on the relevant date;
 - (b) in the case of a transition member who has completed less than 10 years’ pensionable service under the Scheme but 10 or more years’ pensionable service in aggregate under the respective schemes, the highest of that member’s pensionable earnings or salary over 365 consecutive days in the 10 years prior to, and ending on the relevant date; or
 - (c) in the case of a transition member who has completed less than 10 years’ pensionable service in aggregate under the respective schemes, the highest of that member’s pensionable earnings or salary over 365 consecutive days beginning with the year in which the transition member commenced his or her last or only period of employment, and ending on the relevant date.¹⁸
- (4) This paragraph applies to a transition member who was a member of the 1967 Scheme under the 1967 Regulations or 1992 Regulations.
- (5) Where paragraph (4) applies, a transition member’s final pensionable earnings for the purposes of Article 11(2)(b), (3) and (4)(a) of the Law, shall be calculated by reference to the average of that member’s pensionable earnings in the 3 years prior to, and ending on the relevant date.

9A Award of compensatory added years¹⁹

- (1) With effect from 1st January 2019, this Regulation has effect where an employer-initiated pensionable earnings reduction is applied.
- (2) The employer must, by way of compensation for the detriment caused to that member’s 1967 Scheme retirement benefits as a result of the reduction, award the member with such added years of pensionable service as is determined by the Actuary having regard, amongst other things, to –
 - (a) the amount of pensionable service accrued by the member, under the respective schemes; and

- (b) the member's pensionable earnings received before the pensionable earnings reduction date, and on and after that date.

9B Calculation of final pensionable earnings where Regulation 9A applies²⁰

- (1) With effect from 1st January 2019, this Regulation applies where a transition member is awarded added years under Regulation 9A.
- (2) This paragraph applies to a transition member who was a member of the 1967 Scheme under the Existing Members Regulations or New Members Regulations.
- (3) Where paragraph (2) applies, a transition member's final pensionable earnings for the purposes of Article 11(2)(b), (3) and (4)(a) of the Law, must be calculated by reference to –
 - (a) in the case of a transition member who has had an employer-initiated pensionable earnings reduction applied 10 or more years before the relevant date, the highest of that member's pensionable earnings received over 365 consecutive days in the 10 years prior to, and ending on the relevant date;
 - (b) in the case of a transition member who has had an employer-initiated pensionable earnings reduction applied less than 10 years, but more than one year before the relevant date the highest of that member's pensionable earnings received over 365 consecutive days in the period commencing on the pensionable earnings reduction date, and ending on the relevant date; or
 - (c) in the case of a transition member who has had an employer-initiated pensionable earnings reduction applied one year or less before the relevant date, the whole year equivalent of that member's pensionable earnings received on and after the pensionable earnings reduction date, and ending on the relevant date.
- (4) This paragraph applies to a transition member who was a member of the 1967 Scheme under the 1967 Regulations or 1992 Regulations.
- (5) Where paragraph (4) applies, a transition member's final pensionable earnings for the purposes of Article 11(2)(b), (3) and (4)(a) of the Law, must be calculated by reference to –
 - (a) in the case of a transition member who has had an employer-initiated pensionable earnings reduction applied 3 or more years' before the relevant date, the average of that member's pensionable earnings received over the 3 years prior to, and ending on the relevant date;
 - (b) in the case of a transition member who has had an employer-initiated pensionable earnings reduction applied less than 3 years', but more than one year before the relevant date, the average of that member's pensionable earnings received in the period commencing on the pensionable earnings reduction date, and ending on the relevant date; or
 - (c) in the case of a transition member who has had an employer-initiated pensionable earnings reduction applied one year or less before the relevant date, the whole year equivalent of that member's pensionable earnings received on and after the pensionable earnings reduction date, and ending on the relevant date.

10 Survivor benefits

- (1) In this Regulation “1967 Scheme survivor benefits” means –
 - (a) in the case of the 1967 Regulations, a widow’s pension or children’s benefit payable under Regulation 8 or 9 of those Regulations;
 - (b) in the case of the 1992 Regulations –
 - (i) a pension payable under Regulation 9(2) or (3), 10(2) or (3), 11 or 12(2) of those Regulations, or
 - (ii) a lump sum payable under Regulation 10(4) or 12(3) or (4) of those Regulations; or
 - (c) in the case of the Existing Members Regulations or New Members Regulations, a pension payable under Regulation 9(3) to (7), 10(1) to (4), 11 or 12 of whichever of those Regulations apply in the person’s case.
- (2) If a transition member dies as an active, deferred or pensioner member of the Scheme, his or her 1967 Scheme survivor benefits are payable in accordance with whichever of the 1967 Scheme Regulations applied to that transition member on the day before the transition date except that –
 - (a) where a transition member dies as a pensioner in receipt of a pension under the Existing Members Regulations or New Members Regulations (as the case may be), the proviso in Regulation 11(1) (death of a pensioner) of those Regulations, is not to have effect in relation to benefits payable under that Regulation in respect of the transition member concerned;
 - (b) the annual amount of 1967 Scheme survivor benefits payable under whichever of the 1967 Scheme Regulations applied to that transition member, must be calculated by reference to –
 - (i) pensionable service accrued (under the 1967 Scheme) as at the day before the transition date; and
 - (ii) final pensionable earnings calculated in accordance with Regulation 9 or, with effect from 1st January 2019, Regulation 9B.²¹

11 Extension of 1967 Scheme survivor benefits to cohabiting partner²²

- (1) In this Regulation –
 - (a) “1967 Scheme survivor benefits” has the meaning given in Regulation 10(1)(c);
 - (b) “cohabiting partner” shall be construed in accordance with Regulation 3 of the Membership and Benefits Regulations.²³
- (2) This Regulation applies to a transition member who was a member of the 1967 Scheme under the Existing Members Regulations or New Members Regulations.
- (3) Subject to paragraph (4), the cohabiting partner of a transition member who is an active, deferred or pensioner member of the Scheme (whether or not in receipt of his or her 1967 Scheme retirement benefits), is entitled to receive that transition member’s 1967 Scheme survivor benefits.²⁴
- (4) Regulation 3(4) of the Membership and Benefits Regulations applies for the purposes of 1967 Scheme survivor benefits payable to a cohabiting partner under this Regulation.²⁵

- (5) For the purposes of this Regulation any reference to a “spouse” or “civil partner” in the Existing Members Regulations or New Members Regulations is to be taken to include a reference to a cohabiting partner.²⁶

12 Ill-health pension – qualifying period etc. for purposes of the Scheme

For the purposes of the payment of an ill-health pension under Regulation 36(2) of the Membership and Benefits Regulations –

- (a) a transition member’s period of service for the purposes of qualifying for retirement benefits under the 1967 Regulations, or pensionable service under the 1992 Regulations, the Existing Members Regulations or the New Members Regulations shall –
- (i) count towards the requirement in Regulation 36(2)(a) of the Membership and Benefits Regulations, for an active member to have completed 2 or more years pensionable service, and
 - (ii) be added to the number of years of pensionable service accrued by that member under the Scheme, for the purposes of calculating an enhanced level ill-health pension under Regulation 38(3) of the Membership and Benefits Regulations;
- (b) any medical report produced before the transition date for the purposes of considering entitlement to an ill-health pension under the 1967 Scheme, may be used for the purposes of informing a decision under Regulation 37 of the Membership and Benefits Regulations.

13 Ill-health pension – 1967 Scheme

- (1) In this Regulation “relevant 1967 Scheme ill-health retirement Regulations” means whichever of the following Regulations apply in respect of a transition member or an ill-health retired member –
- (a) Regulation 7(1)(c), (5) and (6) of the 1967 Regulations;
 - (b) Regulation 7 of the Existing Members Regulations or New Members Regulations; or
 - (c) Regulation 7 of the 1992 Regulations.²⁷
- (2) This Regulation applies to a transition member whose entitlement to retire before normal retiring age and receive a pension under the relevant 1967 Scheme ill-health retirement Regulations, was under consideration, but not determined before the transition date.
- (3) A transition member shall be entitled to receive a pension under the relevant 1967 Scheme ill-health retirement Regulations provided the determination of that entitlement is made by no later than the last calendar day of the 7th month after the month beginning with the transition date.
- (4) With effect from the transition date, paragraphs (5) to (7) apply to an ill-health retired member who –
- (a) ceases to receive a pension under the relevant 1967 Scheme ill-health retirement Regulations;
 - (b) under those Regulations accepts an offer of employment from an employer; and

- (c) becomes, on or after the transition date, an active member of the Scheme under Regulation 8 of the Membership and Benefits Regulations.²⁸
- (5) An ill-health retired member may, under this Regulation, elect to be treated as a transition member for the purposes of these Regulations and be entitled to receive payment of his or her retirement benefits accrued under the 1967 Scheme in accordance with Regulation 7, and calculated in accordance with Regulation 9 or, with effect from 1st January 2019, Regulation 9B.²⁹
- (6) An election under paragraph (5) must be made –
 - (a) before the expiry of 3 months commencing with the date on which the ill-health retired member accepts an offer of employment from an employer; and
 - (b) in such form and manner as the Administrator specifies.³⁰
- (7) If an ill-health retired member makes no such election, he or she is entitled to a deferred pension under whichever of the 1967 Scheme Regulations applied to that member immediately before he or she became an active member of the Scheme.³¹

13A Conversion of 1967 Scheme retirement benefits into lump sum – terminal illness³²

- (1) This Regulation applies to a transition member who is eligible to payment of an ill-health pension under Regulation 36 of the Membership and Benefits Regulations and who the Independent Occupational Health Adviser certifies as having a life expectancy of 12 months or less.
- (2) A transition member may, under this Regulation, apply to the Administrator to exchange the whole of his or her 1967 Scheme retirement benefits accrued as at the day before the transition date, for a lump sum payment equal to –
 - (a) 70% of the total amount of those benefits multiplied by 5; and
 - (b) 30% of the balancing amount of those benefits payable at the rate of £13.50 per £1 of benefit exchanged.
- (3) The lump sum is to be paid immediately the transition member leaves Scheme employment.
- (4) A lump sum payment under this Regulation will extinguish the transition member's rights to any other benefits under the 1967 Scheme, but will not extinguish the rights of any person contingently entitled to any benefit payable upon that transition member's death.

14 Payment of retirement benefits before normal pension age – uniformed members

- (1) This Regulation –
 - (a) applies to a transition member who –
 - (i) is a uniformed member of the Scheme, and
 - (ii) has attained at least the age of 55 but has not attained his or her normal pension age (as prescribed in Regulation 28 of the Membership and Benefits Regulations);
 - (b) excludes a transition member described in sub-paragraph (a) who is –

- (i) a person employed as the chief ambulance officer or assistant chief ambulance officer for the purposes of discharging the States of Jersey's ambulance service,
 - (ii) a person appointed as the chief air traffic control officer or assistant chief air traffic control officer of the air traffic control unit maintained at Jersey Airport,
 - (iii) a person appointed as a chief fire officer or deputy chief fire officer of the Airport Rescue and Firefighting Service,
 - (iv) the Chief Fire Officer (within the meaning of Article 1 of the Fire and Rescue Service Law) or a person appointed as the deputy Chief Fire Officer,
 - (v) the Chief Officer or Deputy Chief Officer of the States Police Force (within the meaning of Article 1 of the [States of Jersey Police Force Law 2012](#)),
 - (vi) the prison Governor (within the meaning of Article 1 of the [Prison \(Jersey\) Law 1957](#)).
- (2) Where, in relation to a transition member in respect of whom this Regulation applies, that member's Scheme employment is terminated on the grounds that his or her employer is satisfied that the member's level of physical fitness is below the standard required to secure the effective, efficient or safe discharge of functions by the uniformed service in which the member is employed, that employer may, subject to paragraph (3), determine that the member should receive immediate payment of his or her retirement benefits on the termination of his or her Scheme employment.
- (3) Before a determination is made under paragraph (2) –
 - (a) an employer shall have regard to the costs likely to be incurred in the particular case; and
 - (b) the Actuary shall provide a report to the transition member's employer and the Committee, certifying the likely costs to the fund as a consequence of the proposed payment of retirement benefits under this Regulation.
- (4) Where a determination is made under paragraph (2), the transition member shall be entitled to receive payment of retirement benefits accrued under the respective schemes calculated as at the date he or she leaves Scheme employment and without any actuarial reduction.
- (5) An employer shall pay into the fund such amount of costs arising from a determination under paragraph (2) as are certified by the Actuary.

14A Payment of retirement benefits before normal pension age – uniformed members with less than 10 years' pensionable service under the 1967 Scheme³³

- (1) This Regulation applies to a transition member who –
 - (a) as at the day before the transition date was a uniformed member of the 1967 Scheme;
 - (b) as at the day before the transition date had accrued less than 10 years' pensionable service under the 1967 Scheme; and
 - (c) on the transition date continues as a uniformed member of the Scheme.

- (2) The pensionable service accrued under each of the respective schemes by a transition member to whom this Regulation applies, may be aggregated for the purpose of determining whether such a member has accrued a minimum of 10 years' pensionable service so as to qualify for earlier payment of his or her 1967 Scheme retirement benefits, calculated in accordance with the relevant Regulations.
- (3) In this Regulation –
 - (a) “relevant Regulations” means Regulation 6 (pensions payable before normal retiring age to members with 10 years' pensionable service) of the Existing Members Regulations or New Members Regulations (as the case may be);
 - (b) “uniformed member of the 1967 Scheme” means a category A member (other than such a member in respect of whom the relevant Regulations do not apply), a category B or a category C member.

15 Transfer payments

- (1) With effect from 1st January 2019, subject to paragraphs (1A) and (1B), where under Regulation 22 of the Administration Regulations, a transition member applies for a transfer payment out of the fund, that transfer payment shall consist of the member's aggregated retirement benefits accrued under the respective schemes.³⁴
- (1A) With effect from 1st January 2019, this paragraph applies to a transition member who has attained his or her normal retiring age but who remains in Scheme employment.³⁵
- (1B) Notwithstanding that a transition member to whom paragraph (1A) applies has not ceased active membership of the Scheme, he or she may apply for a transfer payment, under Regulation 22 of the Administration Regulations, of his or her retirement benefits accrued under the 1967 Scheme.³⁶
- (2) With effect from 1st January 2019, this paragraph applies where, before the transition date, a member of the 1967 Scheme has requested the Administrator to accept a transfer payment under Regulation 23(3) of the Administration Regulations but the Administrator does not receive that transfer payment until on, or after the transition date.³⁷
- (3) Where paragraph (2) applies, the transfer payment received must be dealt with in accordance with Regulation 23(4)(a) and (b)(ii) and (5) of the Administration Regulations.³⁸
- (4) This paragraph applies where the Minister has made reciprocal arrangements under Regulation 24(6) of the Administration Regulations for the receipt or payment of transfer payments from or to other pension schemes in respect of active members.
- (5) For the purposes of paragraph (4) any reciprocal arrangements the Minister has made under clause (iv) of the proviso to repealed Regulation 7(1) of the General Regulations which are in force immediately before 1st January 2016, shall be taken to be reciprocal arrangements made under Regulation 24(6) of the Administration Regulations.³⁹
- (6) This paragraph applies where, under Regulation 23 of the Administration Regulations a transfer payment is accepted by the Administrator and –
 - (a) that payment is under a reciprocal arrangement to which paragraphs (4) and (5) apply; and

- (b) that transfer payment represents, whether in whole or in part, final salary retirement benefits.
- (7) Where paragraph (6) applies, the active member in respect of whom the transfer payment relates, shall, for the purposes of those final salary retirement benefits, be treated as if he or she is a contributing member of the 1967 Scheme under the New Members Regulations, and that member shall be entitled to such added years (as defined in those Regulations) as the Committee, on the advice of the Actuary, shall determine having regard to the amount credited to the fund in respect of the value of the transfer payment.

1967 Scheme employers and appointments

16 Admission of 1967 Scheme employers to the Scheme

- (1) On 1st January 2016, a 1967 Scheme employer shall be taken to be an employer admitted to the Scheme as if that employer had been admitted to the Scheme under Regulation 7 of, and paragraph 2(1) of Schedule 1 to, the Membership and Benefits Regulations.⁴⁰
- (2) Paragraph 3 of Schedule 1 to the Membership and Benefits Regulations shall not apply for the purposes of paragraph (1).
- (3) The Actuary shall, in relation to an employer to whom paragraph (1) applies, review –
 - (a) any certificate issued under repealed Regulation 9(1)(c)(ii) of the General Regulations before the expiry of 3 months after the date at which the valuation is presented under Regulation 3(3) of the Funding and Valuation Regulations, and following that review the Actuary shall issue a new certificate as to the amounts to be contributed to the fund by that employer in respect of the Scheme; and
 - (b) any certificate issued under sub-paragraph (a) before the expiry of 3 months after the date at which a subsequent valuation is presented under Regulation 3(3) of the Funding and Valuation Regulations, and following that review and each review thereafter the Actuary shall issue a new certificate as to the amounts to be contributed.
- (4) Subject to paragraph (5), as at 1st January 2016, an employer to whom paragraph (1) applies is not required to enter into an admission agreement in accordance with paragraph 4 of Schedule 1 to the Membership and Benefits Regulations, but shall –
 - (a) provide such information as the Minister requires as to whether any named individual, class, category or description of employee is, or is not eligible to become an active member of the Scheme on the day his or her employment with that employer begins;
 - (b) be subject to the provisions set out in paragraphs 6 to 9 of Schedule 1 to the Membership and Benefits Regulations concerning the payment of contributions or costs relating to the Scheme, and ending of participation in the Scheme; and
 - (c) comply with such other obligations as are required in relation to the Scheme, as may be set out in the pension administration strategy.⁴¹

- (5) Notwithstanding paragraph (4), the Minister may require an employer to whom paragraph (1) applies to enter into an admission agreement at such time, or in such circumstances as he or she may determine, and the requirements set out in paragraph 4 of Schedule 1 to the Membership and Benefits Regulations shall apply for the purposes of any such agreement.
- (6) Nothing in paragraph (1) shall be taken to affect a 1967 Scheme employer's continued participation in the 1967 Scheme or the exercise of any duties or powers conferred on a 1967 Scheme employer under the 1967 Scheme Regulations.

17 Continued obligations of 1967 Scheme employers and contribution certificates

- (1) Subject to paragraph (2), where before 1st January 2016 a 1967 Scheme employer has provided any written statement and written undertaking in accordance with repealed Regulation 9A of the General Regulations, any such written undertaking and written statement shall cease to have effect on 1st January 2016 but that employer shall –
 - (a) be subject to the provisions set out in paragraphs 6 to 7 of Schedule 1 to the Membership and Benefits Regulations concerning the payment of contributions or costs relating to the 1967 Scheme; and
 - (b) comply with such other obligations as are required in relation to the 1967 Scheme as may be set out in the pension administration strategy.⁴²
- (2) Notwithstanding paragraph (1), any obligation under repealed Regulation 9A(2) or (4) or repealed Regulation 9B of the General Regulations concerning a 1967 Scheme employer's contributions, contribution shortfalls and provision of information, that arose at, or relate to any time, before or after 14th October 2009, (including after 1st January 2016), regardless of whether not that employer –
 - (a) employs for the time being any members of the 1967 Scheme; or
 - (b) has ceased to participate as a 1967 Scheme employer,shall remain that employer's obligation.⁴³
- (3) Notwithstanding paragraph (1), the Minister may require a 1967 Scheme employer to enter into an admission agreement, at such time or in such circumstances as he or she may determine, for the purposes of that employer's participation in the 1967 Scheme.
- (4) The requirements set out in paragraph 4(1) and (2)(b) to (m) of Schedule 1 to the Membership and Benefits Regulations shall apply for the purposes of any such agreement, and any references in that paragraph to the Scheme and Regulations under the Scheme shall be construed as references to the 1967 Scheme and equivalent Regulations under that scheme.
- (5) The Actuary shall review –
 - (a) any certificate issued under repealed Regulation 9(1)(c)(ii) of the General Regulations, before the expiry of 3 months after the date at which the valuation is presented under Regulation 3(3) of the Funding and Valuation Regulations, and following that review shall issue a new certificate as to the amounts to be contributed to the fund in respect of the 1967 Scheme; and
 - (b) any certificate issued under sub-paragraph (a) before the expiry of 3 months after the date at which a subsequent valuation is presented under Regulation 3(3) of the Funding and Valuation Regulations, and following

that review and each review thereafter, the Actuary shall issue a new certificate as to the amounts to be contributed.

- (6) A 1967 Scheme employer shall cease participation in the 1967 Scheme in accordance with paragraphs 8 and 9 of Schedule 1 to the Membership and Benefits Regulations.

18 Appointments etc.

- (1) A person who was, immediately before 1st January 2016, an Actuary, investment manager or custodian appointed under repealed Regulation 5 of the General Regulations, shall on that commencement date be taken to be –
- (a) an Actuary appointed under Regulation 10 of the Administration Regulations;
 - (b) an investment manager appointed under Regulation 12 of those Regulations;
 - (c) a custodian appointed under Regulation 16 of those Regulations,
- and, as the case requires, those Regulations shall apply for the purposes of terminating any such appointment.⁴⁴
- (2) A person described in paragraph (1) shall discharge the functions conferred under the Administration Regulations as if that person had been appointed under those Regulations on 1st January 2016.⁴⁵

PART 4

CLOSING

19 Citation

These Regulations may be cited as the Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015	R&O.142/2015	1 January 2016 – Regulations 1, 15(2) to (7), 16 to 18, 19(1), 20 and Schedule 1; 1 January 2019 – remainder	P.99/2015
Public Employees (Pension Scheme) (Miscellaneous Amendments) (Jersey) Regulations 2019	R&O.5/2019	15 January 2019	P.141/2018
Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Amendment) (Jersey) Regulations 2019	R&O.45/2019	18 June 2019	P.38/2019
Public Employees (Pension Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations 2020	R&O.99/2020	21 July 2020	P.74/2020

◦Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
19	spent, omitted
20(1)	19
20(2)	spent, omitted
20(3)	spent, omitted
Schedule 1	spent, omitted
Schedule 2	spent, omitted

Table of Endnote References

¹ Regulation 1(1)	amended by R&O.5/2019, R&O.45/2019, R&O.99/2020
² Regulation 1(2)	amended by R&O.5/2019
³ Regulation 2	heading amended by R&O.99/2020
⁴ Regulation 2(1)	amended by R&O.99/2020
⁵ Regulation 2(2)	amended by R&O.99/2020
⁶ Regulation 3(2)	amended by R&O.99/2020
⁷ Regulation 4(5)	amended by R&O.45/2019, R&O.99/2020
⁸ Regulation 7(2)	amended by R&O.45/2019

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- ⁹ Regulation 7(4) amended by R&O.45/2019
- ¹⁰ Regulation 7(5) amended by R&O.99/2020
- ¹¹ Regulation 7(6) amended by R&O.45/2019, R&O.99/2020
- ¹² Regulation 7(8) amended by R&O.99/2020
- ¹³ Regulation 7(9) amended by R&O.45/2019
- ¹⁴ Regulation 7(10) amended by R&O.45/2019
- ¹⁵ Regulation 7(11) amended by R&O.45/2019
- ¹⁶ Regulation 9(1) amended by R&O.45/2019
- ¹⁷ Regulation 9(1A) amended by R&O.45/2019
- ¹⁸ Regulation 9(3) substituted by R&O.5/2019
- ¹⁹ Regulation 9A inserted by R&O.45/2019
- ²⁰ Regulation 9B inserted by R&O.45/2019
- ²¹ Regulation 10(2) amended by R&O.45/2019, substituted by R&O.99/2020
- ²² Regulation 11 heading amended by R&O.99/2020
- ²³ Regulation 11(1) amended by R&O.99/2020
- ²⁴ Regulation 11(3) substituted by R&O.99/2020
- ²⁵ Regulation 11(4) substituted by R&O.99/2020
- ²⁶ Regulation 11(5) substituted by R&O.99/2020
- ²⁷ Regulation 13(1) amended by R&O.99/2020
- ²⁸ Regulation 13(4) inserted by R&O.99/2020
- ²⁹ Regulation 13(5) inserted by R&O.99/2020
- ³⁰ Regulation 13(6) inserted by R&O.99/2020
- ³¹ Regulation 13(7) inserted by R&O.99/2020
- ³² Regulation 13A inserted by R&O.99/2020
- ³³ Regulation 14A inserted by R&O.99/2020
- ³⁴ Regulation 15(1) amended by R&O.5/2019
- ³⁵ Regulation 15(1A) inserted by R&O.5/2019
- ³⁶ Regulation 15(1B) inserted by R&O.5/2019
- ³⁷ Regulation 15(2) substituted by R&O.5/2019
- ³⁸ Regulation 15(3) substituted by R&O.5/2019
- ³⁹ Regulation 15(5) amended by R&O.99/2020
- ⁴⁰ Regulation 16(1) amended by R&O.99/2020
- ⁴¹ Regulation 16(4) amended by R&O.99/2020
- ⁴² Regulation 17(1) amended by R&O.99/2020
- ⁴³ Regulation 17(2) amended by R&O.99/2020
- ⁴⁴ Regulation 18(1) amended by R&O.99/2020
- ⁴⁵ Regulation 18(2) amended by R&O.99/2020