



Jersey

**PUBLIC EMPLOYEES (RETIREMENT)
(VALIDATION AND AMENDMENT)
(JERSEY) LAW 2005**

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Jersey

PUBLIC EMPLOYEES (RETIREMENT) (VALIDATION AND AMENDMENT) (JERSEY) LAW 2005

Contents

Article

1	Interpretation	5
2	Public Employees (Retirement) (Jersey) Law 1967 brought into force	5
3	Amendments.....	5
4	Validation	10
5	Revocation	10
6	Limitation on action and indemnity.....	10
7	Citation.....	11

ENDNOTES **12**

Table of Legislation History	12
Table of Renumbered Provisions	12
Table of Endnote References	12



Jersey

PUBLIC EMPLOYEES (RETIREMENT) (VALIDATION AND AMENDMENT) (JERSEY) LAW 2005¹

A LAW to provide that the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#) is to be taken to have come into force on 1st January 1968, to validate certain acts and things done in the belief that the Law was coming into force on that date or came into force on that date, to indemnify certain persons in respect of acts and things done by them in the belief that the Law came into force on that date and to amend the Law with effect from that date and subsequently.

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“1967 Law” means the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#);

“1967 Law, as amended,” means the 1967 Law as amended at the relevant time in the manner set out in Article 3;

“1967 Law, as unamended,” means the 1967 Law as unamended in the manner set out in Article 3.

2 [Public Employees \(Retirement\) \(Jersey\) Law 1967](#) brought into force

It is declared that for all purposes the 1967 Law is to be taken to have been brought into force on 1st January 1968.

3 Amendments²

- (1) The 1967 Law is to be taken to have been amended on 1st January 1968 by substituting for Articles 1, 2 and 3 the following Articles –

"1 Interpretation

- (1) In this Law, unless the context otherwise requires –
 - ‘Committee’ means the Establishment Committee;
 - ‘fund’ means the pension fund established by Regulations made under Article 2(1);
 - ‘scheme’ means the scheme established by Regulations made under Article 2(1).
- (2) For the purposes of this Law the following are to be taken to be employed by the States, namely –
 - (a) officers referred to in Article 1(a) to (e) of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#);
 - (b) the Magistrate and Assistant Magistrate;
 - (c) a “*délégué*” as defined by Article 1(2) of the [Loi \(1937\) sur l’atténuation des peines et sur la mise en liberté surveillée](#) (a probation officer).

2 States to establish pension scheme

- (1) The States shall by Regulations establish a scheme to provide for the payment of pensions and other benefits to persons who retire from employment with the States, their widows or widowers, children and dependants.
- (2) The Regulations –
 - (a) shall establish a pension fund;
 - (b) shall prescribe the terms and conditions on which a person is to be admitted to the scheme as a contributory member;
 - (c) shall provide for the contributions to be made to the fund by the States and by contributory members;
 - (d) shall provide for the pensions and other benefits contributory members of the scheme, their widow or widowers, children and dependants are to receive under the scheme;
 - (e) shall make proper provision for persons who cease to be contributory members of the scheme before they become entitled to receive a pension or other benefit under the scheme;
 - (f) may make provision for entering into reciprocal arrangements with other employers;
 - (g) may make different provisions for different classes of contributory members;
 - (h) may provide generally for the administration of the scheme.
- (3) The Regulations may provide for specified matters to be determined by the actuary for the time being appointed under Article 3(2).

3 Management of the fund

- (1) Regulations made under Article 2(1) shall prescribe –
 - (a) what money must be paid into the fund;
 - (b) how money in the fund is to be applied in payment of pensions and other benefits under the scheme, for meeting the expenses of administering the scheme and for other purposes relevant to the scheme; and
 - (c) how money in the fund that is not for the time being required for the purposes mentioned in sub-paragraph (b) may be invested by the Treasurer of the States in accordance with the directions of the Finance and Economics Committee.
 - (2) The Committee shall appoint an actuary for the Scheme, being a person who is a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.
 - (3) The actuary shall review the operation of the fund at least once in any period of 5 years and report to the Committee –
 - (a) on the financial condition of the fund; and
 - (b) on the adequacy or otherwise of the contributions payable by virtue of this Law to support the pensions and other benefits payable under the scheme.
 - (4) The Committee may at any time direct the actuary to review the operation of the fund and to report on the review to the Committee.
 - (5) The Committee shall lay a copy of every report under paragraph (3) or paragraph (4) before the States as soon as may be after it is made.
 - (6) Regulations made under Article 2(1) shall prescribe what is to happen if a review and report under paragraph (3) or paragraph (4) show a deficiency or disposable surplus in the fund.”.
- (2) The 1967 Law, as amended by paragraph (1), is to be taken to have been amended on 12th February 1988 by substituting for Articles 1, 2 and 3 the following Articles –

“1 Interpretation

- (1) In this Law, unless the context otherwise requires –

‘Committee’ means the Establishment Committee;

‘Committee of Management’ means the Committee of Management established to manage the scheme by Regulations made under Article 2(1);

‘fund’ means the pension fund established by Regulations made under Article 2(1);

‘scheme’ means the scheme established by Regulations made under Article 2(1).

- (2) For the purposes of this Law the following are to be taken to be employed by the States, namely –
 - (a) officers referred to in Article 1(a) to (e) of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#);
 - (b) the Magistrate and Assistant Magistrate;
 - (c) a “*délégué*” as defined by Article 1(2) of the [Loi \(1937\) sur l’atténuation des peines et sur la mise en liberté surveillée](#) (a probation officer).

2 States to establish pension scheme

- (1) The States shall by Regulations establish a scheme to provide for the payment of pensions and other benefits to persons who retire from employment with the States, their widows or widowers, children and dependants.
- (2) The Regulations –
 - (a) shall establish a pension fund;
 - (b) shall prescribe the terms and conditions on which a person is to be admitted to the scheme as a contributory member;
 - (c) shall provide for the contributions to be made to the fund by the States and by contributory members;
 - (d) shall provide for the pensions and other benefits contributory members of the scheme, their widow or widowers, children and dependants are to receive under the scheme;
 - (e) shall make proper provision for persons who cease to be contributory members of the scheme before they become entitled to receive a pension or other benefit under the scheme;
 - (f) shall provide for the setting up of a Committee of Management to manage the scheme;
 - (g) may make provision for entering into reciprocal arrangements with other employers;
 - (h) may make different provisions for different classes of contributory members;
 - (i) may provide generally for the administration of the scheme.
- (3) The Regulations may provide that where a lump sum becomes payable under the scheme on the death of a contributory member, the Committee of Management is to determine –
 - (a) the recipients (whether individuals or persons);
 - (b) whether the lump sum is to be paid wholly to one recipient or in parts to more than one recipient;
 - (c) whether the lump sum is to be paid in full, partially or not at all.

- (4) The Regulations may also provide for specified matters to be determined by the Committee of Management or the actuary for the time being appointed under Article 3(2).
- (5) The Committee of Management may delegate all or any of the powers, authorities or discretions conferred upon it by this Law or by Regulations made under this Article.
- (6) However the Committee of Management shall not delegate any power, authority or discretion relating to the investment of money in the fund without the consent of the Finance and Economics Committee.

3 Management of the fund

- (1) Regulations made under Article 2(1) shall prescribe –
 - (a) what money must be paid into the fund;
 - (b) how money in the fund is to be applied in payment of pensions and other benefits under the scheme, for meeting the expenses of administering the scheme and for other purposes relevant to the scheme;
 - (c) how money in the fund that is not for the time being required for the purposes mentioned in sub-paragraph (b) may, with the approval of the Finance and Economics Committee, be invested by the Committee of Management.
 - (2) The Committee of Management shall, with the approval of the Committee, appoint an actuary for the Scheme, being a person who is a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.
 - (3) The Committee of Management shall direct the actuary to review the operation of the fund at least once in any period of 5 years and to make a report to the Committee –
 - (a) on the financial condition of the fund; and
 - (b) on the adequacy or otherwise of the contributions payable by virtue of this Law to support the pensions and other benefits payable under the scheme.
 - (4) The Committee may at any time require the Committee of Management to direct the actuary to review the operation of the fund and to make a report on the review to the Committee.
 - (5) The Committee shall lay a copy of every report under paragraph (3) or paragraph (4) before the States as soon as may be after it is made.
 - (6) Regulations made under Article 2(1) shall prescribe what is to happen if a review and report under paragraph (3) or paragraph (4) show a deficiency or disposable surplus in the fund.”.
- (3) Article 1(1) of the 1967 Law, as amended by paragraph (2), is to be taken to have been amended on 12th December 2002 by substituting for the definition “Committee” the following definition –

“ ‘Committee’ means the Policy and Resources Committee;”.

4 Validation

- (1) This Article applies to –
 - (a) acts and things done under the 1967 Law in the belief that it was to come into force on 1st January 1968; and
 - (b) acts and things thought to have been done under the 1967 Law in the belief that it came into force on that date.
- (2) Those acts and things done that would have been lawfully done if the 1967 Law had come into force on 1st January 1968 are validated and declared to have been lawfully done and to have had the same force and effect as if the 1967 Law had come into force on 1st January 1968.
- (3) The references in this Article to the 1967 Law include both –
 - (a) the 1967 Law, as amended; and
 - (b) the 1967 Law, as unamended, but as it was amended for the time being by the Laws repealed by Article 5(3).

5 Revocation

- (1) Except as provided by paragraph (2), the amendments made to the 1967 Law, as unamended, by the Laws repealed by paragraph (3) shall be taken as having ceased to have had effect immediately before the commencement of this Law.
- (2) Paragraph (1) does not apply to the repeal and replacement of Article 4 of the 1967 Law by Article 1(4) of the Public Employees (Retirement) (Amendment No. 3) (Jersey) Law 1988.
- (3) The following Laws are repealed –
 - (a) Public Employees (Retirement) (Amendment) (Jersey) Law 1973;
 - (b) Public Employees (Retirement) (Amendment No. 2) (Jersey) Law 1987;
 - (c) Public Employees (Retirement) (Amendment No. 3) (Jersey) Law 1988;
 - (d) Public Employees (Retirement) (Amendment No. 4) (Jersey) Law 1994;
 - (e) Public Employees (Retirement) (Amendment No. 5) (Jersey) Law 1995.

6 Limitation on action and indemnity

- (1) This Article applies to –
 - (a) a person who before this Law came into force purported to discharge a function or perform a duty under the 1967 Law; and

- (b) a person who was, or was acting as, an officer, employee or agent of a person mentioned in sub-paragraph (a) or who was performing a duty or exercising a power on behalf of such a person.
- (2) No action shall lie against a person to whom this Article applies for an act done in the purported discharge of a function or the purported performance of a duty under the 1967 Law before this Law came into force unless it is shown that the act was done in bad faith.
- (3) Any action brought against a person to whom this Article applies before this Law came into force –
 - (a) that could not have been brought after that time by virtue of paragraph (2); and
 - (b) that was not settled or otherwise determined before this Law came into force,is stayed.
- (4) If –
 - (a) before this Law came into force an action was brought against a person to whom this Article applies that, by virtue of paragraph (2), could not have been brought after that time; and
 - (b) the action was settled or otherwise determined before this Law came into force,then, whether or not the action was settled or otherwise determined in favour of the person to whom this Article applies, the Chief Minister shall pay to the person an amount equal to all expenses and other outgoings the person has expended, and any damages paid by the person, as a result of the action.
- (5) Paragraph (2) shall not prohibit any action that might have been taken if the 1967 Law had come into force on 1st January 1968.
- (6) The references in this Article to the 1967 Law include both –
 - (a) the 1967 Law, as amended; and
 - (b) the 1967 Law, as unamended, but as it was amended for the time being by the Laws repealed by Article 5(3).

7 Citation

This Law may be cited as the Public Employees (Retirement) (Validation and Amendment) (Jersey) Law 2005.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Public Employees (Retirement) (Validation and Amendment) (Jersey) Law 2005	L.4/2005	28 January 2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
7(1)	7
7(2)	Spent, omitted

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 *The amendments made by Article 3 are incorporated in the Public Employees (Retirement) (Jersey) Law 1967*