



Jersey

**EMPLOYMENT OF STATES OF JERSEY
EMPLOYEES (TRANSITIONAL AND
SAVINGS PROVISIONS) (JERSEY)
REGULATIONS 2005**

Official Consolidated Version

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EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (TRANSITIONAL AND SAVINGS PROVISIONS) (JERSEY) REGULATIONS 2005

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Jersey

EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (TRANSITIONAL AND SAVINGS PROVISIONS) (JERSEY) REGULATIONS 2005¹

THE STATES, in pursuance of Article 30 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) and Article 50 of the [States of Jersey Law 2005](#), have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY PROVISION

1 Interpretation

In these Regulations –

“commencement day” means the 9th December 2005;

“Law” means the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#).

PART 2

TRANSFER OF EMPLOYMENT OF CERTAIN PERSONS

2 Transfer to States Employment Board of employment etc. of certain persons

(1) Subject to this Part, on and from the commencement day –

- (a) each person who, immediately before the commencement day, was employed by the States or a Committee of the States under a contract of employment shall become an employee of the States Employment Board under the Law;

- (b) the person's contract of employment, as in force immediately before the commencement day, with the States or the Committee shall have effect under the Law as if it had originally been made under that Law between the person and the States Employment Board on the date on which it was actually made;
 - (c) all rights, powers, duties and liabilities under or in connection with the contract shall be enforceable or exercisable as if the contract had been originally made under the Law between the person and the States Employment Board;
 - (d) any collective agreement made by a Committee (or otherwise on behalf of the States) with a representative body that is recognized, by that Committee or otherwise on behalf of the States, as acting on behalf of such a person, being an agreement that still has effect in respect of the person immediately before the commencement day, shall continue to have effect in respect of the person as if it had been originally made by or on behalf of the States Employment Board with that representative body on the date on which it was actually made; and
 - (e) anything done before the commencement day by or in relation to the Committee or otherwise on behalf of the States under or in respect of the contract or a collective agreement referred to in subparagraph (d) or in respect of the person shall be taken to have been done by or in relation to the States Employment Board on the date when it was actually done.
- (2) On and from the commencement day –
- (a) each person who, immediately before the commencement day, was a “delegué” within the meaning of Article 7 of the [Loi \(1937\) sur l'atténuation des peines et sur la mise en liberté surveillée](#), and who had signed a document (“the document”) that specifies the document is a contract of employment between the person and the Probation Board of the Royal Court, shall become an employee of the States Employment Board;
 - (b) the document shall have effect under the Law as if it had originally been a contract of employment made under the Law between the person and the States Employment Board on the date on which the document was signed;
 - (c) all rights, powers, duties and liabilities under or in connection with the document on and from the commencement day shall be enforceable or exercisable as if the document signed had originally been a contract of employment made between the person and the States Employment Board under the Law;
 - (d) any collective agreement made by the Probation Board of the Royal Court (or otherwise on behalf of the States) with a representative body that is recognized, by that Board or otherwise on behalf of the States, as acting on behalf of such a person, being an agreement that still has effect in respect of the person immediately before the commencement day, shall have, or shall continue to have, effect in respect of the person as if it had been originally made by or on behalf of the States Employment Board

- with that representative body on the date on which it was actually made;
- (e) anything done before the commencement day by or in relation to the Probation Board or otherwise on behalf of the States under or in respect of the contract or a collective agreement referred to in sub-paragraph (d) or in respect of the person shall be taken to have been done by or in relation to the States Employment Board on the date when it was actually done; and
 - (f) if the document contains a clause to the effect that the employment or appointment of the person is subject to the Civil Service Administration (General) (Jersey) Rules 1949 or to the Administration Rules, Regulation 3 shall apply in relation to the person as if –
 - (i) the reference in paragraph (1) of that Regulation to a contract of employment were a reference to the document, and
 - (ii) the reference in paragraph (1) of that Regulation to a person being an employee of a Committee of the States were a reference to the person being an employee of the Probation Board of the Royal Court.
- (3) Nothing in this Regulation shall be taken to prevent or restrict the amendment of a contract or a collective agreement referred to in paragraph (1) or (2) if the amendment is made –
 - (a) by a competent tribunal or a court; or
 - (b) in accordance with the contract or with the agreement, including by way of a collective agreement, of both parties to the contract.
 - (4) For the avoidance of doubt, paragraph (1) does not apply to any person who, immediately before the commencement day, was a member of the States of Jersey Police Force (including the Chief Officer and the Deputy Chief Officer of the States of Jersey Police Force).

3 Certain provisions of Civil Service Administration (General) (Jersey) Rules 1949 to remain part of contract of employment

- (1) If, in a contract of employment that was in force immediately before the commencement day and that relates to the employment of a person as an employee of the States or a Committee of the States, there is a term to the effect that the employment or appointment of the person is subject to the Civil Service Administration (General) (Jersey) Rules 1949 or to the Administration Rules –
 - (a) Parts 3, 4, 5 and 6 of the Civil Service Administration (General) (Jersey) Rules 1949 and Schedule 3, as those Parts and Schedule are in force immediately before the commencement day, shall, with the modifications made in accordance with paragraph (2), be taken on and from the commencement day to comprise a document forming part of the contract;

- (b) any reference in the contract to either of those Rules shall be taken to be a reference to that document; and
 - (c) despite Regulation 2, the provisions of the Civil Service Administration (General) (Jersey) Rules 1949 as in force immediately before the commencement day shall not, on and from that day, form part of the contract.
- (2) The Rules referred to in paragraph (1)(a) shall be modified as follows –
- (a) for Rule 9 there shall be substituted the following clause –

“9

If the officer is approached in any manner indicating an attempt at bribery, the officer shall report the fact to the head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer.”;

- (b) in Rule 10, for the words “administering authority” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer”;
- (c) in Rule 11(1), for the words “the Committee of the States concerned” there shall be substituted the words “the head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer”;
- (d) in Rule 12, for the words “the Committee” there shall be substituted the words “the head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer”;
- (e) for Rule 13 there shall be substituted the following clause –

“13

Where the officer has occasion to deal in an official capacity with any matter in which the officer has a private or business interest, the officer shall disclose that interest to the head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer.”;

- (f) for Rule 16 there shall be substituted the following clause –

“16

An officer wishing to join the Reserve Armed Forces of the Crown shall apply for permission to the head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer.”;

- (g) in Rules 17 and 18, for the words “civil service” there shall be substituted the words “public service”;

- (h) Rule 21 shall be deleted;
- (i) for Rule 23 there shall be substituted the following clause –

“23

An officer wishing to submit any matter to the States Employment Board shall do so by letter addressed to the head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer.”;

- (j) Rules 25(3) shall be deleted;
- (k) in Rule 26(2), for the word “Committee” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer,”;
- (l) in Rule 27(3), for the words “Chief Officer of the department for which the officer works, or a nominee of that Chief Officer,” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed (or, if the officer is the head, the Chief Executive Officer), as the case may be,”;
- (m) in Rule 27(4), for the words “Chief Officer or nominee” there shall be substituted the words “head of the administration or Chief Executive Officer, as the case may be,”;
- (n) in Rule 27(6), for the word “Committee” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer”;
- (o) in Rule 27(7), for the word “Committee” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer,”;
- (p) in Rule 28(2), for the words “head of the department or the Committee, as the case may be” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer”;
- (q) in Rule 28(3), for the words “head of the department or the Committee, as the case may be” there shall be substituted the words “head of the administration of the States for the purposes of which the officer is employed, or, if the officer is the head, the Chief Executive Officer”;
- (r) Rule 28(5) shall be deleted;
- (s) in Rule 28(7), for the word “Committee” there shall be substituted the words “States Employment Board”;

- (t) in Rule 29(1), for the words “Chief Officers” and “the Committee” there shall be substituted the words “heads of administrations of the States” and “the States Employment Board”, respectively;
- (u) for Rule 30 there shall be substituted the following clause –

“30

This document may be cited as the States’ Employees General Provisions.”;

- (v) Schedules 1 and 2 shall be deleted;
 - (w) in the Rules, for the word “Rule” there shall be substituted the word “clause”.
- (3) Nothing in this Article shall be taken to prevent or restrict the amendment of a document incorporated into a contract in accordance with paragraph (1) if the amendment is made –
- (a) by a competent tribunal or a court; or
 - (b) in accordance with the contract or with the agreement, including by way of a collective agreement, of both parties to the contract.

4 Certain provisions of Prison Officers (Jersey) Regulations 1957 to remain part of contract of employment

- (1) If, in a contract of employment that was in force immediately before the commencement day and that relates to the employment of a person as an employee of the States or a Committee of the States, there is a term to the effect that the employment or appointment of the person is subject to the Prison Officers (Jersey) Regulations 1957 –
- (a) the Prison Officers (Jersey) Regulations 1957, as in force immediately before the commencement day, shall, with the modifications made in accordance with paragraph (2), be taken on and from the commencement day to comprise a document forming part of the contract; and
 - (b) any reference in the contract to those Regulations shall be taken to be a reference to that document.
- (2) The Prison Officers (Jersey) Regulations 1957 shall be modified as follows –
- (a) in Regulation 1 –
 - (i) the definition “Committee” shall be deleted,
 - (ii) for the definition “staff” there shall be substituted the following definition –

“ ‘staff’ means prison officers of the rank of Deputy Governor, Senior Unit Manager, Unit Manager, Senior Officer, Officer Support Grade or another rank determined by the Governor.”;
 - (b) Regulations 2, 3, 4, 8, 15, 18 and 24(1) shall be deleted;

- (c) in Regulation 20(4)(a), the words “, in consultation with the Policy and Resources Committee” shall be deleted;
- (d) in Regulation 24(2), the words “in conjunction with the Policy and Resources Committee” shall be deleted;
- (e) in Regulation 25, the words “in consultation with the Policy and Resources Committee” shall be deleted;
- (f) Regulation 27 shall be deleted;
- (g) Regulation 28 shall be deleted, if the Regulations are to be taken under paragraph (1) to comprise a document forming part of the contract of employment of a person who is a member of a scheme established under the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#);
- (h) for Regulation 32 there shall be substituted the following clause –

“32

This document may be cited as the Prison Officers General Provisions.”;

- (i) Schedules 1 and 2 shall be deleted;
 - (j) in the Regulations, for the words “the Committee” in each place where they appear there shall be substituted the words “the States Employment Board”;
 - (k) in the Regulations, for the words “these Regulations” and the word “Regulation”, there shall be substituted the words “this document” and the word “clause” respectively.
- (3) Nothing in this Article shall be taken to prevent or restrict the amendment of a document incorporated into a contract in accordance with paragraph (1) if the amendment is made –
- (a) by a competent tribunal or a court; or
 - (b) in accordance with the contract or with the agreement, including by way of a collective agreement, of both parties to the contract.

5 Director of Education to be employed as Chief Officer of Education

- (1) The contract of employment in force immediately before the commencement day in respect of the person who was, immediately before the commencement day, the holder of the office of Director of Education under the [Education \(Jersey\) Law 1999](#) shall be taken to specify that the person is employed as the Chief Officer of the administration of the States relating to education.
- (2) Nothing in this Article shall be taken to prevent or restrict the amendment of the contract referred to in paragraph (1), if the amendment is made –
 - (a) by a competent tribunal or a court; or
 - (b) in accordance with the contract or with the agreement, including by way of a collective agreement, of both parties to the contract.

6 Saving of matters under [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#)

- (1) On and from the commencement day –
 - (a) a determination that was, on a particular date, made under Article 8 of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#) in respect of the salaries and allowances, pensions or gratuities of the holder of an office and that is a determination that is still in force immediately before the commencement day, shall be taken to be a determination made under that Law and on that particular date by the States Employment Board;
 - (b) all rights, powers, duties and liabilities under or in connection with the determination shall be enforceable or exercisable as if the determination had been originally made by the States Employment Board; and
 - (c) anything done before the commencement day by or in relation to the Policy and Resources Committee or otherwise on behalf of the States under or in respect of the instrument or in respect of the holder of an office shall be taken to have been done by or in relation to the States Employment Board at the time when it was actually done.
- (2) Nothing in this Article prevents the States Employment Board from amending under the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#) a determination referred to in this Article.

7 Saving of rights relating to pensions

- (1) The repeal of the following enactments by virtue of the repeal of the Civil Service Administration (Jersey) Law 1948 by Regulation 28 shall not affect any entitlement to a pension or other payment, or any right, privilege, obligation or duty, acquired, accrued or incurred by, a person immediately before the commencement day under those enactments –
 - (a) the Civil Service Administration (Allocation of Pension) (Jersey) Rules 1952;
 - (b) the Civil Service Administration (Pensions) (Interchange with United Kingdom Civil Service) (Jersey) Rules 1956;
 - (c) the Pensionable Employments (Interchange with British Local Government) (Jersey) Rules 1961;
 - (d) the Civil Service Administration (Pensions) (Jersey) Rules 1963;
 - (e) the Civil Service Administration (Pensions) (Amendment) (Jersey) Rules 1964;
 - (f) the Civil Service Administration (Pensions) (Jersey) Rules 1963 (Amendment) Order 1978.
- (2) The repeal, by Regulation 28 of these Regulations, of the Prison Officers (Jersey) Regulations 1957 as in force immediately before the commencement day shall not affect any entitlement to a pension or other payment, or any right, privilege, obligation or duty, acquired, accrued or

incurred by, a person immediately before that day under the Prison Officers (Jersey) Regulations 1957.

PART 3

CONCLUDING PROVISION

8 Citation

These Regulations may be cited as the Employment of States of Jersey Employees (Transitional and Savings Provisions) (Jersey) Regulations 2005.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Employment of States of Jersey Employees (Transitional and Savings Provisions) (Jersey) Regulations 2005	R&O.155/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
Part 3	spent, omitted
Part 4	spent, omitted
Part 5	spent, omitted
Part 6	spent, omitted
Part 7	Part 3
Regulation 51(1)	Regulation 8
Regulation 51(2)	spent, omitted
Schedule	spent, omitted

Table of Endnote References

¹

The citation of these Regulations has been changed from 'Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005 to reflect the fact that provisions repealing or amending other enactments, which have had their effect and accordingly are spent, are omitted from this revised version of these Regulations