

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Teachers' Superannuation (Family Benefits) (Guernsey) Law, 1967

(Registered on the Records of the Island of Guernsey
on the 14th day of March, 1967.)



1967.

II

1967

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 14th day of March, 1967, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :— Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Laine, Esquire, C.B.E., D.F.C., and Edward Martel, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of February, 1967, ratifying a *Projet de Loi* entitled "The Teachers' Superannuation (Family Benefits) (Guernsey) Law, 1967", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 10th day of February, 1967.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
LORD SHEPHERD
LORD CHAMPION
MR. SECRETARY JENKINS
MR. DIAMOND
MR. SILKIN
SIR GEOFFREY DE FREITAS
SIR ERIC FLETCHER
MR. WHITE LAW

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 6th day of February, 1967, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference on the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 14th day of December, 1966, the States of Deliberation at a meeting held on the 1st day of February, 1967, approved a Bill or “Projet de Loi” entitled “The Teachers’ Superannuation (Family Benefits) (Guernsey) Law, 1967” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying

that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" entitled "The Teachers' Superannuation (Family Benefits) (Guernsey) Law, 1967" and to order that the same shall have force of law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

**The Teachers' Superannuation
(Family Benefits) (Guernsey) Law, 1967**

THE STATES, in pursuance of their Resolution of the fourteenth day of December, nineteen hundred and sixty-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) The States may from time to time by Ordinance make provision—

- (a) for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed by the Ordinance, to or in respect of the widows or widowers and the children or other dependants of teachers who are or have been employed in reckonable service; and
- (b) for determining for the purposes of this Law what service is to be considered as reckonable service.

(2) An Ordinance making any such provision as is referred to in subsection (1) of this section shall—

- (a) require the payment to the States Education Council (hereafter in this Law referred to as "the Council"), in such cases as may

be prescribed by the Ordinance, of contributions by teachers of such amounts as may be determined in accordance with the Ordinance;

- (b) in such cases as may be prescribed by the Ordinance, require the payment to the Council of a single contribution, by or in respect of a teacher, of such amount as may be determined in accordance with the Ordinance and, except where the Ordinance otherwise provides, require any such payment to be made by the surrender of the whole or a proportion of an additional allowance or gratuity payable to or in respect of that teacher, or of any sum payable to or in respect of him by way of return of superannuation contributions;
- (c) provide for the repayment to a teacher or his legal personal representatives, in such cases and on such conditions as may be prescribed by the Ordinance, of contributions paid by him as mentioned in paragraph (a) of this subsection, and for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained;
- (d) provide for the establishment by the Council of a fund out of which shall be paid the pensions referred to in subsection (1) of this section and any sums required to be repaid as mentioned in the last preceding paragraph and into which shall be paid all contributions received by the Council as mentioned in paragraph (a) or paragraph (b) of this subsection;
- (e) provide for the Council to undertake the management of the fund and to exercise

such other powers and functions in relation to the pensions referred to in subsection (1) of this section as may be determined in accordance with the Ordinance.

(3) An Ordinance making any such provision as is referred to in subsection (1) of this section may provide that, in such cases as may be prescribed by the Ordinance—

(a) where a teacher ceases to be employed in reckonable service and takes up other employment in relation to which provision is made for payments to be made to or for the benefit of the dependants of persons engaged in that employment, then, for the purpose of enabling some or all of the teacher's employment in reckonable service to be taken into account in determining the amount of any such payment which may become payable to or in respect of his dependants, there may be paid, out of the fund established in accordance with paragraph (d) of subsection (2) of this section, such sum as may be determined in accordance with the Ordinance; and

(b) where a person who has been engaged in employment in relation to which provision is made as mentioned in paragraph (a) of this subsection becomes employed in reckonable service, there may be paid into the fund established in accordance with paragraph (d) of subsection (2) of this section a payment in respect of some or all of his previous employment.

(4) An Ordinance making any such provision as is referred to in subsection (1) of this section—

(a) may confer on the Government Actuary of Great Britain, if he be willing to act, or

an actuary nominated by him, or, if the said Government Actuary be unwilling so to act or to nominate, an actuary appointed by the States, such functions as may be prescribed by the Ordinance in relation to the valuation of the assets and liabilities of the fund established in accordance with paragraph (d) of subsection (2) of this section and in relation to the determination of the amount of any contribution payable by a teacher under the Ordinance;

- (b) may contain such transitional provisions as appear to the States to be necessary or expedient to deal with the case of teachers who have died after the twenty-second day of December, nineteen hundred and sixty-five but before the coming into force of the Ordinance;
- (c) may contain such incidental, supplementary and consequential provisions as appear to the States to be necessary or expedient, including provision requiring the giving of information and the production of documents.

(5) Subject to such modifications or exceptions as may be specified therein, an Ordinance making any such provision as is referred to in subsection (1) of this section may be made so as to apply in relation to—

- (a) persons who are not teachers but who are engaged in employment which involves the performance of duties in connection with the provision of education or of services ancillary to education; and
- (b) teachers who are not for the time being engaged in reckonable service but who are

employed in the capacity of teachers or in some other capacity connected with education which to a substantial extent involves the control or supervision of teachers.

(6) The reference in paragraph (b) of subsection (2) of this section—

- (a) to superannuation contributions is a reference to all contributions payable under or by virtue of any enactment for the time being in force in relation to teachers' superannuation, other than this Law;
- (b) to an additional allowance or gratuity is a reference to such an allowance or gratuity payable by or under any such enactment.

2. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Variation
and repeal of
Ordinances.

3. (1) Any person who by means of any false representation, statement or document which he knows to be false, or by personation or other fraudulent means, obtains or attempts to obtain, for himself or any other person, any benefit or payment under any Ordinance made under this Law, shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or both.

Offences.

(2) The reference in subsection (1) of this section to obtaining a benefit or payment under any Ordinance made under this Law includes a reference to

obtaining any increase in, or any sum in respect of, such benefit or payment.

Citation. 4. This Law may be cited as the Teachers' Superannuation (Family Benefits) (Guernsey) Law, 1967.

R. H. VIDELO,
Her Majesty's Greffier.