

ORDER IN COUNCIL

VII

1974

ratifying a Projet de Loi

ENTITLED

The Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974

(Registered on the Records of the Island of Guernsey
on the 20th day of August, 1974.)



1974.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of August, 1974, before Ernest Pattison Shanks, Esquire, Deputy Bailiff; present:— Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, D'Arcy George Le Tissier, Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of June, 1974, ratifying a *Projet de Loi* entitled "The Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974", 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 28th day of June 1974

PRESENT,

The Queen's Most Excellent Majesty in Council

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 20th day of June 1974, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of 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 30th day of January 1974, the States of Deliberation at a meeting held on the 27th day of February 1974, approved a Bill or “Projet de Loi” entitled “The Superannuation (Teachers and Teachers’ Families) (Guernsey) Law, 1974”, 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” of the States of Guernsey entitled “The Superannuation (Teachers and Teachers’ Families) (Guernsey) Law, 1974”, 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 Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974

THE STATES, in pursuance of their Resolution of the thirtieth day of January, nineteen hundred and seventy-four, 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 Education Council (in this Law referred to as "the Council") may from time to time by regulations make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the regulations, are to be, or may be, paid by the Council to or in respect of teachers.

Super-
annuation
of teachers.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may include provision—

- (a) as to the means by which the cost of providing the benefits for which the regulations provide is to be defrayed, including provision for the making of contributions or other payments by teachers and by the employers of teachers or such other persons as may be prescribed by the regulations;
- (b) for the establishment and administration of superannuation funds, the management

and application of the assets of such funds, the amalgamation of all or any of such funds, the amalgamation of all or any such funds with any other superannuation fund administered on behalf of the States, and the winding up of, or other dealing with, any such fund;

- (c) for the payment and receipt of transfer values or in lieu thereof for the transfer or receipt of any fund or part of a fund or policy of insurance;
- (d) for reckoning in respect of a teacher any service as service in respect of which such benefits are payable, either unconditionally or subject to such conditions as may be prescribed by the regulations and either as respects the whole of the service or as respects such fraction thereof as may be so prescribed;
- (e) for the making by such persons as may be prescribed by the regulations of payments towards the provision (otherwise than under the regulations) of pensions, allowances and gratuities in such cases as may be determined in accordance with the regulations;
- (f) as to the circumstances in which contributions paid by any person in accordance with the regulations, or any part thereof, may be repaid with or without interest;
- (g) for securing that where—
 - (i) the regulations provide for the payment to or in respect of a teacher of a pension (which expression, in this paragraph, includes an allowance and a gratuity) in consequence of his having been incapacitated, or having died, as a result

of an injury sustained, or disease contracted, in circumstances prescribed by the regulations; and

- (ii) any damages in respect of the injury, disease or death in consequence of which the pension is paid are recovered by or on behalf of the person to whom the pension is paid,

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

- (h) authorising the payment, without probate or other proof of title, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other person as may be prescribed by the regulations;
- (i) for rendering void any assignment of, or charge on, or any agreement to assign or charge, any benefit under the regulations, and that on the insolvency of a person entitled to such benefit no part thereof shall pass to any trustee or other person acting on behalf of the creditors;
- (j) for the determination of any question arising under the regulations and for any decision in accordance with the regulations of any such question to be final;
- (k) for conferring on such persons as may be prescribed by the regulations such functions

as the Council considers necessary or expedient for the purposes of the regulations;

- (l) for repealing or amending any provision in any enactment, or in any order or other instrument made under any enactment, where it appears to the Council that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, the regulations;

and may include such incidental, supplementary, consequential and transitional provisions as appear to the Council to be necessary or expedient.

(3) Regulations made under this section may be framed—

- (a) so as to apply in relation to the benefits which are being paid or may become payable under the regulations to or in respect of persons who, having served in an employment service in which qualifies persons to participate in the benefits for which the regulations provide, have ceased to serve therein or died before the regulations come into operation; or
- (b) so as to require or authorise the payment of pensions to or in respect of such persons;

but provision shall not be made by any regulations by virtue of this subsection unless any person who is placed in a worse position than he would have been in if the provision had not applied in relation to any benefit which is being paid or may become payable to him is by the regulations given an opportunity to elect that the provision shall not so apply.

Compensation for loss of employment.

2. (1) The Council may from time to time by regulations make provision for the payment by the Council of pensions by way of compensation to or

in respect of teachers who suffer loss of employment, or loss or diminution of emoluments, in such circumstances, or by reason of the happening of such an event, as may be prescribed by the regulations.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may include provision—

- (a) as to the manner in which any claim for compensation is to be made;
- (b) for the determination of any question arising under the regulations and for any decision in accordance with the regulations of any such question to be final;

and may include any such provision as is referred to in paragraphs (h) and (i) of subsection (2) of section one of this Law and such incidental, supplementary, consequential and transitional provisions as appear to the Council to be necessary or expedient.

3. (1) Regulations made under this Law may be framed so as to have effect as from a date earlier than the date on which the regulations are made: Further provisions as to regulations made under this Law. Provided that regulations made under section two of this Law and having such effect shall not place any person who is qualified to participate in the benefits for which the regulations provide in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date on which they were made.

(2) Regulations made under this Law may make different provision as respects different classes of persons and different circumstances and make, or authorise the Council to make, exceptions and conditions.

(3) Any power conferred by this Law to make any regulations shall be construed as including a

power exercisable in the like manner to vary or repeal the regulations.

(4) Regulations made under this Law shall be laid before a meeting of the States as soon as may be after the making thereof, and if at that meeting or at the next subsequent meeting the States resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done thereunder or to the making by the Council of any new regulations.

Offences.

4. (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 regulations 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.

(2) The reference in subsection (1) of this section to obtaining a benefit or payment under any regulations made under this Law includes a reference to obtaining any increase in, or any sum in respect of, such benefit or payment.

**Repeals,
savings and
transitional
provision.**

5. (1) The Teachers' (Superannuation) Law (Guernsey) 1948^(a), and the Teachers' Superannuation (Family Benefits) (Guernsey) Law, 1967^(b), are hereby repealed.

^(a) Ordres en Conseil Vol. XIII, p. 256.

^(b) Ordres en Conseil Vol. XXI, p. 97.

(2) Regulations under this Law may provide that the provisions of any Ordinance made under the said Law of 1967 and in force immediately before the commencement of this Law shall continue to have effect as if they were included in regulations made under this Law notwithstanding the repeal of that Law by subsection (1) of this section.

(3) Any pension, allowance, gratuity or contribution payable, direction given or other thing done in respect of employment as a teacher in Guernsey before the commencement of this Law shall thereafter be deemed to be payable or to be given or done under regulations made under this Law.

(4) The provisions of the last two foregoing subsections shall not be taken as prejudicing the operation of section nineteen of the Interpretation (Guernsey) Law, 1948(c) (which relates to the effect of repeals).

6. (1) In this Law, where the context so permits, the expression "teachers" includes persons who have ceased to be teachers and such persons as may be prescribed by regulations made under this Law, being persons employed otherwise than as teachers—

Interpreta-
tion.

- (a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers; or
- (b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.

(2) Except where the context otherwise requires, any reference in this Law to any enactment shall

(c) Ordres en Conseil Vol. XIII, p. 355.

be construed as a reference to that enactment as amended, extended, repealed or replaced by or under any other enactment.

Citation and
commence-
ment.

7. (1) This Law may be cited as the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

R. H. VIDELO,

Her Majesty's Greffier.