

**Changes to legislation:** There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Schedule 2. (See end of Document for details)

## [<sup>F1</sup>SCHEDULE 2

### COMPENSATION UNDER SECTION 13

#### Textual Amendments

**F1** Sch. 2 inserted (1.9.1994) by 1993 Measure No. 1, s. 13, **Sch.2** (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York .

- 1 (1) If agreement as to the form, amount and conditions of provision of compensation is reached between the person concerned and the diocesan board of finance, it shall be provided in accordance with the terms of the agreement.
- (2) If no agreement is reached as aforesaid, the compensation shall consist of—
- (a) in respect of loss of stipend, a basic award in accordance with paragraph 2 below; and
  - (b) in respect of loss of housing and removal expenses, a housing allowance and a resettlement allowance in accordance with paragraphs 3 and 4 below.
- 2 (1) The basic award shall be in the form of periodical payments which shall be paid monthly to the person concerned during a period commencing on the date when he ceases to be the incumbent of the benefice concerned (“ the material date ”) and expiring at the end of—
- (a) such number of months immediately following the material date as results from adding together—
    - (i) one month for each year or part of a year during which the person concerned has served in whole-time stipendiary ecclesiastical service<sup>[F2]</sup>, in respect of service served up to 31st December 1997 and in pensionable service <sup>[F3]</sup>to which the funded scheme applies], in respect of service served after that date]; and
    - (ii) one month for each year or part of a year which has passed before the material date since the person concerned attained the age of forty years; or
  - (b) thirty-six months immediately following the material date,
- whichever is the greater:
- Provided that where the person concerned has at the material date attained the age of fifty years the payments shall continue, if they would otherwise cease, until he attains an age within five years of the retiring age.
- (2) Such payments shall cease to be payable in respect of the person concerned—
- (a) when he attains the retiring age; or
  - (b) if he receives a pension under <sup>[F4]</sup>the past service scheme or the funded scheme] before attaining that age, on the date on which the pension is first paid; or
  - (c) if he re-enters <sup>[F5]</sup>service which is pensionable service <sup>[F6]</sup>within the meaning of the Funded Scheme rules]] within the Province of Canterbury (including the Diocese in Europe) or the Province of York, on the date of re-entry.
- (3) Subject to paragraph (5) below, each monthly payment shall be of an amount equal to one-twelfth of the following—

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- (a) in the first period of twelve months, the national minimum stipend for the year in which the payment falls to be made;
- (b) in the second period of twelve months, three-quarters of the national minimum stipend for the year in which the payment falls to be made;
- (c) thereafter, two-thirds of the national minimum stipend for the year in which the payment falls to be made.

[<sup>F7</sup>(4) The period during which a person is in receipt of periodical payments under paragraph 2 shall be deemed to be a period of pensionable service for the purposes of the Funded Scheme rules, but shall not constitute “service” for any other purpose of those rules]

#### Textual Amendments

- F2** Words in Sch. 2 para. 2(1)(a)(i) inserted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 7(a)**; S.I. 2014/2077, art. 2(2)
- F3** Words in Sch. 2 para. 2(1)(a)(i) substituted (1.3.2019) by [Church of England Pensions Measure 2018 \(No. 9\)](#), s. 61(2), **Sch. 3 para. 5(2)**; S.I. 2019/98, art. 2
- F4** Words in Sch. 2 para. 2(2)(b) substituted (1.3.2019) by virtue of [Church of England Pensions Measure 2018 \(No. 9\)](#), s. 61(2), **Sch. 3 para. 5(3)(a)**; S.I. 2019/98, art. 2
- F5** Words in Sch. 2 para. 2(2)(c) substituted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 7(c)**; S.I. 2014/2077, art. 2(2)
- F6** Words in Sch. 2 para. 2(2)(c) substituted (1.3.2019) by virtue of [Church of England Pensions Measure 2018 \(No. 9\)](#), s. 61(2), **Sch. 3 para. 5(3)(b)**; S.I. 2019/98, art. 2
- F7** Sch. 2 para. 2(4) substituted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 7(d)**; S.I. 2014/2077, art. 2(2)

- 3 (1) The housing allowance shall be in the form of periodical payments which shall be paid monthly to the person concerned during the period in which the basic award is paid under paragraph 2 above.
- (2) Each monthly payment shall be of such amount as may be determined by the diocesan board of finance, and in determining the amount the diocesan board of finance shall consult the Church of England Pensions Board as to its practice where a person retires on grounds of ill-health, and shall have regard to its advice.
- 4 The resettlement allowance shall be a single payment of an amount equal to three-tenths of the national minimum stipend for the year in which application for compensation was made or such greater amount as the Central Board of Finance of the Church of England may determine.

#### Modifications etc. (not altering text)

- C1** Sch. 2 para. 4 transfer of functions (1.1.2008) by [National Institutions of the Church of England \(Transfer of Functions\) Order 2007 \(S.I. 2007/1556\)](#), arts. 1(1), 2 (with art. 3)

- 5 (1) Subject to paragraph (2) below, if a person who is applying for or receiving payments under paragraph 2(1) or 3(1) above accepts any office or employment, the diocesan board of finance may refuse the application or, as the case may be, may suspend the periodical payments or reduce the amount thereof so as to take account of the emoluments of or other benefits which arise from the office or employment.

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- (2) The diocesan board of finance shall not exercise its powers under paragraph (1) above in a manner whereby the total annual amount of the emoluments in question and the periodical payments (if any) would be less than the national minimum stipend.
- (3) It shall be the duty of every person who applies for or receives periodical payments under paragraph 2(1) or 3(1) above to disclose to the diocesan board of finance any office or employment which has been accepted by him and the terms thereof; and if he fails to do so and it appears to the board that in consequence it has made periodical payments which otherwise it would not have made or periodical payments in excess of those it would otherwise have made, it may, without prejudice to its powers under paragraph (1) above, direct the repayment of the amount of the payments or excess or such part thereof as it thinks just, and that amount shall be recoverable as a debt due to the board.
- 6 An application for compensation shall be made to the diocesan board of finance in such manner as that board may determine; and where a person is incapacitated from making such an application himself that board may authorise some other person to make it on his behalf.
- 7 The cost of compensation shall be borne by the diocesan board of finance and charged either on the capital or the income account of the diocesan stipends fund, as may be [<sup>F8</sup>determined by] the diocesan board of finance [<sup>F9</sup>and, in the case of a person who is in receipt of periodical payments under paragraph 2, the diocesan board of finance is “the responsible body” for the purposes of [<sup>F10</sup>Part 2 of the Church of England Pensions Measure 2018]].

#### Textual Amendments

- F8** Words in Sch. 2 para. 7 substituted (1.1.2001) by 2000 Measure No. 1, s. 9(b); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F9** Words in Sch. 2 para. 7 added (1.1.2015) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), Sch. 2 para. 7(e); S.I. 2014/2077, art. 2(2)
- F10** Words in Sch. 2 para. 7 substituted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), Sch. 3 para. 5(4); S.I. 2019/98, art. 2

- 8 (1) In this Schedule—
- “compensation” means compensation under section 13 of this Measure;
- “diocesan board of finance” has the same meaning as in the Pastoral Measure 1983;
- [<sup>F11</sup>“funded scheme” has the same meaning as in the Church of England Pensions Measure 2018;]
- “national minimum stipend”, in relation to any year, means the national minimum stipend recommended for the stipends of clergymen of incumbent status for that year in the Annual Report of the [<sup>F12</sup> . . . Central Stipends Authority;
- [<sup>F11</sup>“past service scheme” has the same meaning as in the Church of England Pensions Measure 2018;]
- [<sup>F13</sup> . . .
- [<sup>F14</sup>“retiring age” has the same meaning as in [<sup>F15</sup>the Church of England Pensions Measure 2018];

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“stipendiary ecclesiastical service” has the same meaning as in [<sup>F16</sup>the  
Church of England Pensions Measure 2018], and

<sup>F17</sup> ...]

<sup>F18</sup>(2) .....]

#### Textual Amendments

- F11** Words in Sch. 2 para. 8(1) inserted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(a)**; S.I. 2019/98, art. 2
- F12** Sch. 2 para. 8(1) : words in definition of “national minimum stipend” omitted (1.1.2001) by virtue of 2000 Measure No. 1 , s. 9(c) ; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F13** Words in Sch. 2 para. 8(1) omitted (1.3.2019) by virtue of Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(c)**; S.I. 2019/98, art. 2
- F14** Words in Sch. 2 para. 8(1) inserted (1.1.2015) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 7(f)(i)**; S.I. 2014/2077, art. 2(2)
- F15** Words in Sch. 2 para. 8(1) substituted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(d)**; S.I. 2019/98, art. 2
- F16** Words in Sch. 2 para. 8(1) substituted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(e)**; S.I. 2019/98, art. 2
- F17** Words in Sch. 2 para. 8(1) omitted (1.3.2019) by virtue of Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(b)**; S.I. 2019/98, art. 2
- F18** Sch. 2 para. 8(2) omitted (1.1.2015) by virtue of Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 7(f)(ii)**; S.I. 2014/2077, art. 2(2)

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