



Ordination of Women (Financial Provisions) Measure 1993 (No. 3)

1993 No. 3

1 Entitlement to residential and financial benefit

- (1) Subject to the provisions of this Measure, every person to whom this section applies shall be entitled, on application, to—
 - (a) participate, in accordance with section 2 below, in any church housing scheme; and
 - (b) receive from the Board financial benefit consisting of—
 - (i) a resettlement grant in accordance with section 3 below; and
 - (ii) periodical payments in accordance with section 4 below.
- (2) This section applies to every clerk in Holy Orders, deaconess or licensed lay worker who—
 - (a) was in whole-time stipendiary ecclesiastical service (being service which is pensionable service for the purposes of the pensions regulations) within the Province of Canterbury (including the Diocese in Europe) or the Province of York at the relevant date or at any time during the period of six months immediately preceding that date;
 - (b) at the relevant date has performed a period of such ecclesiastical service of not less than five years or a succession of periods of such ecclesiastical service (whether with or without intervals) amounting in the aggregate to not less than five years;
 - (c) within the period commencing six months immediately before the relevant date and ending ten years immediately after that date has ceased to be in such ecclesiastical service consequent on his resigning therefrom;
 - (d) within the period of ten years immediately after the relevant date has made a declaration in the form set out in the Schedule to this Measure stating that he would not have resigned but for his opposition to the promulgation of the relevant Canon;
 - (e) has not attained the retiring age;
 - (f) is not in receipt of a pension under the pensions regulations.

2 Housing

Section 26 of the Clergy Pensions Measure 1961 (powers of Board as to provision of residences) and any church housing scheme shall have effect for the purposes of this Measure as if—

- (a) any reference in that section or scheme to a retired clerk in Holy Orders included a reference to a clerk in Holy Orders to whom section 1 above applies; and
- (b) any reference in that section or scheme to a retired church worker included a reference to a deaconess or licensed lay worker to whom section 1 above applies.

3 Resettlement grants

- (1) A resettlement grant under section 1(1)(b) above shall be a single payment of an amount equal to three-tenths of the national minimum stipend for the year in which application for the grant was made or such greater amount as the Board may, with the concurrence of the Commissioners, determine.
- (2) Such a grant shall not be paid unless the Board is satisfied that the applicant was, immediately before the material time, residing in accommodation made available to him in order to enable him to undertake the service from which he has resigned.

4 Periodical payments

- (1) Subject to subsection (2) below, periodical payments under section 1(1)(b) above shall be paid monthly to the applicant during a period expiring at the end of—
 - (a) such number of months immediately following the material time as results from adding together—
 - (i) one month for each year or part of a year during which the applicant has served in whole-time stipendiary ecclesiastical service; and
 - (ii) one month for each year or part of a year which has passed before the material time since the applicant attained the age of forty years; or
 - (b) thirty-six months immediately following the material time,whichever is the greater:

Provided that where an applicant has at the material time 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 any person—
 - (a) when he attains the retiring age; or
 - (b) if he receives a pension under the pensions regulations before attaining that age, on the date on which the pension is first paid; or
 - (c) if he re-enters whole-time stipendiary ecclesiastical service as defined in section 1(2)(a) above, on the date of the re-entry.
- (3) Subject to section 6 below, each monthly payment shall be of an amount equal to one-twelfth of the following—
 - (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.
- (4) Regulations approved by the General Synod under section 6 of the Clergy Pensions (Amendment) Measure 1972 may make such amendments to subsection (1) above as the Synod considers necessary or expedient in consequence of any regulations made under subsection (1)(a) of that section.

5 Discretionary payments

- (1) Subject to subsection (2) below, the Board may, on application being made to it by any person, provide such financial benefit to him by way of periodical payments, grant or loan or otherwise as it thinks fit.
- (2) In the case of an applicant to whom section 1 above does not apply, the Board shall not make any payment under subsection (1) above unless it is satisfied that—
- (a) within the period of ten years immediately after the relevant date, the applicant or any person on whom the applicant is (or was immediately before that person's death) dependent—
 - (i) has ceased to hold an office or employment or to be a member of a religious community consequent on his resigning therefrom; and
 - (ii) has made a declaration in the form set out in the Schedule to this Measure stating that he would not have resigned but for his opposition to the promulgation of the relevant Canon; and
 - (b) in consequence the applicant has suffered or will suffer financial hardship.
- (3) For the purpose of determining whether any financial benefit should be provided under this section and, if so, the amount and form of the benefit the Board shall have regard to—
- (a) the age and other personal circumstances of the applicant;
 - (b) any special need of the applicant in respect of housing;
 - (c) any special need of the applicant in respect of training for suitable employment;
 - (d) the extent to which the applicant provides or might reasonably be expected to provide financial support for any person dependent on him; and
 - (e) all other relevant circumstances of the applicant's case.

6 Reduction etc. of periodical payments on account of other employment

- (1) Subject to subsection (2) below, if any person who is applying for or receiving periodical payments under section 1(1)(b) or 5(1) above accepts any office or employment, the Board 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.
- (2) The Board shall not exercise its powers under subsection (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 section 1(1)(b) or 5(1) above to disclose to the Board 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 subsection (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.

7 Declarations and applications

- (1) A declaration made for the purpose of section 1(2)(d) or 5(2)(a)(ii) above shall be signed and dated by the person making it in the presence of another person who shall also sign it; and a copy of it shall be sent to the bishop of the diocese concerned.
- (2) An application for any benefit under this Measure shall be made in such manner as the Board may determine; and where a person is incapacitated from making such an application himself the Board may authorise some other person to make it on his behalf.

8 Finance and administration

- (1) The Board shall administer the system of benefits established by this Measure, and the Commissioners shall pay to the Board out of their general fund such sums as are required by the Board for the payments to be made by it under this Measure.
- (2) The Board shall carry out its functions under this Measure in consultation with the Commissioners and in accordance with such directions of a general character as the Commissioners may give; and where the Commissioners give any directions under this subsection they shall as soon as practicable cause a report thereon to be laid before the General Synod.
- (3) Directions given by the Commissioners under subsection (2) above may include directions which appear to them to be requisite or expedient for securing a due balance between the liabilities likely to be imposed on their general fund by virtue of sections 2 and 5 of this Measure and the resources of that fund available for meeting those liabilities.

9 Provisions as to pensions

- (1) Where pension is payable under the pensions regulations to a person who has received periodical payments under section 1(1)(b) above, the Commissioners shall augment the pension so as to ensure that it is at the same rate as it would have been had the period during which the periodical payments were made been one of pensionable service for the purposes of the regulations.
- (2) Nothing in this Measure affects the entitlement of any person to receive a pension under the pensions regulations where he retires before attaining the retiring age.

10 Appeals

- (1) An applicant for any benefit under this Measure who is aggrieved by a determination of the Board in carrying out its functions under this Measure may appeal against the determination to a tribunal constituted in accordance with subsection (4) below.
- (2) Subject to subsection (3) below, on any such appeal the tribunal may affirm the Board's determination or make any other determination which could have been made by the Board; and if the Board's determination is not affirmed it shall give effect to the tribunal's determination.
- (3) In respect of any determination made by the Board under section 5 above the tribunal shall not vary the Board's determination unless it is satisfied that the Board—
 - (a) has exercised its discretion on a basis on which no reasonable determination could have been made; or
 - (b) has failed to take into account some material matter, or has taken into account some irrelevant matter, where in either case in acting properly the determination of the Board would or might have been significantly different:Provided that this subsection shall not apply where the tribunal considers that, in all the circumstances of the case, not to vary the Board's determination would or might result in an injustice to the applicant and would or might cause significant financial hardship.
- (4) The tribunal shall consist of five persons nominated by the chairman of the House of Bishops, the chairman of the House of Clergy and the chairman of the House of Laity acting jointly from a panel of twelve members of the General Synod selected by the Standing Committee.
- (5) The Standing Committee may make rules regulating the procedure and practice in or in connection with proceedings on an appeal under this section, including in particular the time within which an appeal must be lodged.
- (6) Any rules made under subsection (5) above shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (7) Where the Standing Committee determines that the rules do not need to be debated by the General Synod then, unless—
 - (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the rules to be debated,
 - (b) notice is so given by any such member that he wishes to move an amendment to the rules and at least twenty-five other members of the General Synod indicate when the amendment is called that they wish the amendment to be moved,the rules shall for the purposes of subsection (6) above be deemed to have been approved by the General Synod without amendment.
- (8) The Statutory Instruments Act 1946 shall apply to any rules approved by the General Synod under subsection (6) above as if they were statutory instruments and were made when so approved, and as if this Measure were an Act providing that any such rules should be subject to annulment in pursuance of a resolution of either House of Parliament.

11 Interpretation

(1) In this Measure—

“Board” means the Church of England Pensions Board;

“church housing scheme” means any scheme operated for the time being by the Board under section 26 of the Clergy Pensions Measure 1961 for the purpose of providing residences to retired clergy and church workers;

“clerk in Holy Orders” means any bishop, priest or deacon of the Church of England;

“Commissioners” means the Church Commissioners;

“licensed lay worker” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been authorised by a bishop by licence to serve as such a worker;

“material time” in relation to a person who resigns from stipendiary ecclesiastical service is the time when he ceases to be in such service;

“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 Commissioners as the Central Stipends Authority;

“pensions regulations” means regulations for the time being in force under section 6 of the Clergy Pensions (Amendment) Measure 1972;

“relevant Canon” means the Canon of the Church of England enabling a woman to be ordained to the office of priest;

“relevant date” means the date on which the relevant Canon is promulgated;

“Standing Committee” means the Standing Committee of the General Synod.

(2) In this Measure the following expressions have the same meaning as in the pensions regulations—

“pensionable service”;

“qualifying period of pensionable service”;

“retiring age”;

“stipendiary ecclesiastical service”.

12 Amendment etc. of Measure

A motion for the final approval of a Measure which amends or repeals any provision of this Measure shall not be deemed to be carried unless it receives the assent of a majority in each House of the General Synod of not less than two-thirds of those present and voting.

13 Citation and extent

(1) This Measure may be cited as the Ordination of Women (Financial Provisions) Measure 1993.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.