



# Pensions Measure 1997

1997 No. 1

## *General provisions as to pension schemes*

### **1 Past service and funded schemes**

- (1) There shall be two schemes with respect to the pensions and lump sum payments payable to clerks, deaconesses and licensed lay workers and their widows, widowers and dependants, as follows—
  - (a) a scheme related exclusively to past service, to be known as “the Church of England Pensions Scheme” and referred to in this Measure as “the past service scheme”;
  - (b) a scheme related to future service, to be known as “the Church of England Funded Pensions Scheme” and referred to in this Measure as “the funded scheme”.
- (2) The past service scheme shall comprise provisions contained in the Church of England Pensions Regulations 1988, the Clergy Pensions (Lump Sum Payments) Rules 1988 and any further regulations or rules relating to the past service scheme, whether made before or after the passing of this Measure.
- (3) The funded scheme shall be established by deed by the Pensions Board (hereinafter referred to as “the Board”).

### **2 Funded Scheme Rules**

- (1) The funded scheme shall provide for the making of rules as to the nature and amount of the pensions and lump sum payments payable under the funded scheme and for the making of amending rules.
- (2) Any such rules shall be laid before the General Synod and shall not come into operation until they have been approved by the Synod.
- (3) Where the Standing Committee of the General Synod determine that any such rules do not need to be debated by the Synod, then, unless —

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*Status: This is the original version (as it was originally enacted).*

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- (a) notice is given by a member of the Synod in accordance with its Standing Orders that he wishes the rules to be debated; or
- (b) notice is so given by any such member that he wishes to move an amendment to the rules,

the rules shall for the purposes of subsection (2) above be deemed to have been approved by the Synod without amendment.

#### *Funded scheme*

### **3 Establishment of pensions fund**

- (1) The funded scheme shall provide for the constitution and maintenance by the Board of a fund, to be known as “the Church of England Pensions Fund”, and the Board shall pay into that fund—
  - (a) all contributions received by the Board under section 4 below;
  - (b) all other moneys received by the Board for the purposes of the funded scheme.
- (2) All payments in respect of pensions and lump sum payments arising or to be provided under the funded scheme shall be made by the Board out of the Pensions Fund.

### **4 Contributions to pensions fund**

- (1) It shall be the duty of each responsible body to make contributions for the purposes of the funded scheme by paying to the Board in respect of each scheme member for whom the body is responsible such sums as the Board may determine in accordance with the regulations.
- (2) Before making any determination under subsection (1) above the Board shall obtain the advice of an actuary, and the determination shall be consistent with that advice.
- (3) The payments mentioned in subsection (1) above shall be made at such times as may be prescribed by the regulations.
- (4) In this section and in section 6 below “responsible body” means—
  - (a) in the case of a diocesan bishop or a dean, provost or residentiary canon in receipt of a stipend or other emoluments under section 28 of the Cathedrals Measure 1963, the Church Commissioners (hereinafter referred to as “the Commissioners”);
  - (b) in the case of a scheme member in receipt of a stipend paid from a diocesan stipends fund income account kept by the Commissioners under section 1 of the Diocesan Stipends Fund Measure 1953, the Diocesan Board of Finance of the diocese concerned;
  - (c) in the case of a scheme member in receipt of a stipend paid wholly from capitular funds, the capitular body of the cathedral church concerned;
  - (d) in the case of a scheme member in receipt of periodical payments under section 1(1)(b) of the Ordination of Women (Financial Provisions) Measure 1993, the Commissioners;
  - (e) in the case of a scheme member who is—
    - (i) a clerk in Holy Orders employed by a World Mission Agency of the Church of England which is at the passing of this Measure an associate or full member of the Partnership for World Mission; or

- (ii) a clerk in Holy Orders employed by the Church Pastoral Aid Society, the Commissioners;
  - (f) in the case of a scheme member employed in pensionable service otherwise than as mentioned in paragraph (e) above, the employer;
  - (g) in the case of any other person who is a scheme member performing pensionable service, the body primarily concerned for the time being in promoting that person's membership of the funded scheme.
- (5) In its application to the Isle of Man, subsection (4) above shall have effect with the substitution for paragraph (b) of the following paragraph—
- “(b) in the case of a scheme member in receipt of a stipend paid from a diocesan stipends account kept by the Sodor and Man Diocesan Board of Finance, that Board;”.

#### *Church Commissioners*

### **5 Liability of Commissioners**

- (1) The Commissioners shall continue to be liable to meet the cost of—
- (a) any pension arising from the retirement or death of a scheme member in so far as it is attributable to past service;
  - (b) any lump sum payment arising from the retirement of a scheme member in so far as it is attributable to past service;
  - (c) any lump sum payment arising from the death of a scheme member occurring before the appointed day.
- (2) For the purposes of subsection (1) above, the amount of any pension or lump sum payment shall include any increase in the rate or amount thereof, augmentation of an individual's pension or supplementary pension awarded under the regulations or rules, whether before or after the appointed day.
- (3) The Commissioners shall not be liable to meet the cost of—
- (a) any pension arising from the retirement or death of a scheme member in so far as it is attributable to future service; or
  - (b) any lump sum payment arising from the retirement of a scheme member in so far as it is attributable to future service; or
  - (c) any lump sum payment arising from the death of a scheme member occurring on or after the appointed day.

### **6 Transitional grants by Commissioners for funded scheme**

The Commissioners may, within such period as they may determine not exceeding the period of seven years following the commencement of the appointed day, make such grants to a responsible body as they may think expedient for the purpose of assisting that body in meeting the cost of any contribution due to be paid under section 4(1) above.

## 7 Application of capital

- (1) The Commissioners may, within such period as they may determine not exceeding the period of seven years following the commencement of the appointed day, apply capital funds for the purpose of meeting the cost of—
- (a) any pension or lump sum due to be paid under the past service scheme; or
  - (b) any pension or lump sum payment payable under the Church Commissioners' Superannuation Scheme in so far as it is attributable to a period of service before the appointed day; or
  - (c) any grant made under section 6 above.
- (2) In this section “capital funds” means funds held by the Commissioners, the income from which forms part of the Commissioners general fund.

### *Pensions Board*

## 8 Constitution of Board

- (1) For section 21(3) of the Clergy Pensions Measure 1961 there shall be substituted the following subsection —
- “(3) The Board shall consist of twenty members (of whom eight shall be representative of the members of the pension schemes administered by the Board) chosen in such manner, whether by election or by appointment, as may be prescribed by regulations made under section 6 of the Clergy Pensions (Amendment) Measure 1972.”.
- (2) The chairman and other members of the Board in office immediately before the appointed day shall cease to hold office on that day.

### *Miscellaneous*

## 9 Interpretation

- (1) In this Measure, unless the context otherwise requires—
- “actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland, not being a Church Commissioner or a member of the Board or a member of the staff of the Commissioners or the Board, and includes a firm of actuaries;
- “appointed day” means the day appointed under section 11(2) below for the coming into force of this Measure;
- “funded scheme” means the scheme referred to in section 1(1)(b) above;
- “future service” means any period of pensionable service on or after the appointed day;
- “past service” means any period of pensionable service before the appointed day;
- “past service scheme” means the scheme referred to in section 1(1)(a) above;
- “the Pensions Fund” means the fund constituted under section 3(1) above;
- “regulations” means regulations made under section 6 of the Clergy Pensions (Amendment) Measure 1972;

“rules” means, except in section 2 above, rules made under section 3 of the Clergy Pensions (Amendment) Measure 1967.

- (2) For the purposes of this Measure, where the qualifying period of pensionable service performed by a scheme member comprises or is deemed to comprise a period of both past service and future service the portion attributable to past service or future service, as the case may be shall be calculated without reference to any period of service following the completion of the minimum number of years entitling him to maximum benefits.
- (3) This Measure shall be construed as one with the Clergy Pensions Measure 1961.

## **10 Amendments and repeals**

- (1) The enactments specified in Schedule 1 to this Measure shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the preceding provisions of this Measure.
- (2) The enactments specified in Schedule 2 to this Measure are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Without prejudice to the application of section 16 of the Interpretation Act 1978, the repeal of subsection (1A) of section 3 of the Clergy Pensions (Amendment) Measure 1967 and rules 10 and 11 of the Church of England Pensions (Lump Sum Payments) Rules 1988 shall not apply in the case of the death of a scheme member occurring before the appointed day.

## **11 Citation, commencement and extent**

- (1) This Measure may be cited as the Pensions Measure 1997 and this Measure may be cited with the Church of England (Pensions) Measures 1961 to 1988 as the Church of England (Pensions) Measures 1961 to 1997.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands, but the provisions thereof 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.