



# Church of England Pensions Measure 2018

2018 No. 9

## PART 3

### THE PAST SERVICE SCHEME

#### *Pensions for surviving spouses etc. and children*

#### **25 Meaning of “deceased member’s pension”**

- (1) A reference in this Part to a deceased member’s pension under the past service scheme is to be interpreted in accordance with this section.
- (2) In the case of a member who, at the date of death, was receiving a pension under the scheme, it is a reference to that pension.
- (3) In the case of a member who, at the date of death, had chosen to give up pension under the scheme for a lump sum under paragraph 9 of Schedule 2, it is a reference to the pension which the member would have been receiving under the scheme if he or she had not chosen to give it up.
- (4) In the case of a member who, at the date of death, had reached the retiring age but was not receiving a pension under the scheme, it is a reference to the pension to which the member would have been entitled under the scheme if he or she—
  - (a) had retired on the date of death, and
  - (b) had not given up any pension under the scheme for a lump sum under paragraph 9 of Schedule 2.
- (5) In the case of a member who, at the date of death, was performing pensionable service but had not reached the retiring age, it is a reference to the pension to which the member would have been entitled under the scheme if, on that date, he or she had retired on the grounds of having become incapable through infirmity of performing the duties of the office.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In the case of a member who, at the date of death, had ceased to perform pensionable service but had not reached the retiring age and was not receiving a pension under the scheme, it is a reference to the pension to which the member would have been entitled under the scheme if, on that date, he or she had become incapable through infirmity of performing pensionable service.
- (7) In the case of a member whose pension, at the date of death, was suspended under regulation 9 of the Church of England (Pensions) Regulations 1988 (service performed after retirement), it is a reference to a pension at the rate which the Board determined under regulation 17(2) of those Regulations.
- (8) A clerk who, under an agreement under section 15 of the Clergy Pensions Measure 1961 which was in force on 1 April 1989, surrendered to the Board part of the right to a pension, is to be treated for the purposes of this section as having received the pension which the clerk would have received if the clerk had not entered into that agreement.