
STATUTORY INSTRUMENTS

1988 No. 2256

The Church of England Pensions Regulations 1988

PART IV

PROVISIONS RELATING TO CONTRACTED-OUT EMPLOYMENT

Guaranteed minimum pension for certain scheme members and their surviving spouses

19.—(1) This regulation applies if the service of a scheme member in any employment becomes contracted-out employment by reference to the principal scheme and it shall then override any of the preceding provisions of these regulations except regulation 18.

(2) If a scheme member has a guaranteed minimum under section 35 of the Social Security Pensions Act 1975⁽¹⁾ in relation to the pension to which he is entitled under the preceding provisions of these regulations—

- (a) the weekly rate of that pension at the date on which he attains the state pensionable age shall not be less than his guaranteed minimum under that section; and
- (b) if the member dies at any time and leaves a widow or widower, the weekly rate of pension provided for the widow or widower under these regulations shall not be less than half that guaranteed minimum.

(3) Where this regulation applies in the case of any scheme member who retires or dies without having performed a qualifying period of pensionable service, then notwithstanding anything in regulation 4 or 14 above—

- (a) the member on attaining the state pensionable age shall be entitled to a pension the weekly rate of which is equal to his guaranteed minimum, and
- (b) if the member dies at any time and leaves a widow or widower, the widow or widower shall be entitled to a pension the weekly rate of which is equal to half that guaranteed minimum.

(4) In paragraphs (2) and (3) above “weekly rate” means, in relation to a pension which is paid otherwise than at weekly intervals, a rate which is equivalent to the guaranteed minimum of the scheme member in question having regard to the period in respect of which the pension is paid.

(5) Any reference in this regulation to a scheme member’s guaranteed minimum shall, so far as it is attributable to the scheme member’s earnings after 5th April 1988, be a reference to that minimum as increased in accordance with the requirements of section 37A of the Social Security Pensions Act 1975 and to the extent of any orders made under that section.

Commencement, postponement and suspension of pension

20.—(1) This regulation applies to a scheme member who retires after performing a qualifying period of pensionable service in employment which in relation to him is contracted-out employment by reference to the principal scheme.

(1) 1975 c. 60.

(2) Subject to paragraph (3) below, the pension to which a scheme member to whom this regulation applies is entitled under the preceding provisions of these regulations shall commence on the date on which he attains the state pensionable age or, if earlier, the date on which by virtue of regulation 4 above he becomes entitled to receive it.

(3) The commencement of the pension to which such a scheme member is so entitled shall be postponed for any period for which he continues in pensionable service after the date on which he attains the state pensionable age, but his consent must be obtained for any postponement after the expiration of five years from that date of that part of the pension which consists of his guaranteed minimum.

(4) Regulation 9 above applies to a scheme member to whom this regulation applies and who is in receipt of a pension under these regulations as it applies to any other scheme member who is in receipt of such a pension, except that paragraph (5) below shall have effect in relation to him notwithstanding anything in paragraph (2) or (3) of regulation 9.

(5) Where the commencement of the guaranteed minimum pension to which a scheme member to whom this regulation applies is entitled under the preceding provisions of these regulations is postponed for any period or that pension is suspended during any period, his guaranteed minimum shall be increased to the extent, if any, specified in section 35(6), (6A) and (6B) of the Social Security Pensions Act 1975.

Commencement of pension of scheme member retiring early by reason of infirmity

21.—(1) This regulation applies to a scheme member to whom regulation 20 above applies and who—

- (a) in the case of a clerk, is deemed under section 14 of the Incumbents (Vacation of Benefices) Measure 1977(2) (pension of incumbent found to be unable to perform duties attaching to benefice) to have become incapable through infirmity of performing the duties of his office, or
- (b) in the case of any scheme member, ceases to perform pensionable service before attaining the retiring age without receiving a pension in respect of that service and subsequently before attaining that age satisfies the Board that he has become incapable through infirmity of performing pensionable service.

(2) The commencement of the pension to which a scheme member to whom this regulation applies is entitled under Part II of these regulations shall be postponed until the date on which he attains the retiring age unless he consents to its commencement on the date on which apart from this paragraph it would commence; and the making before the first-mentioned date by him or some other person on his behalf of an application for the pension in accordance with regulation 11 shall be evidence that he does consent thereto.

Effect of remarriage of widow or widower

22. Where a scheme member dies while serving in employment which in relation to him is contracted-out employment by reference to the principal scheme, or after the termination of service in such employment, and leaves a widow or widower, paragraph (4) of regulation 14 above so far as it enables the Board to discontinue the payment of a pension to a widow or widower who remarries shall apply only in respect of the amount (if any) by which the widow's or widower's pension exceeds her or his guaranteed minimum.