

SCHEDULES

SCHEDULE 2

Section 18(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS TO CLERGY PENSIONS MEASURE 1961

- 1 The Clergy Pensions Measure 1961 shall have effect subject to the amendments specified in paragraphs 2 to 20 below.
- 2 In section 2 for the word “clerk” in each place where it occurs there shall be substituted the words “scheme member”.
- 3 In section 3—
 - (a) in subsection (1) for the word “clerk” there shall be substituted the words “scheme member” and after the word “office” there shall be inserted the words “or that, having ceased to perform pensionable service before attaining the retiring age, he has become incapable through infirmity of performing such service”;
 - (b) in subsection (2) for the word “clerk” there shall be substituted the words “scheme member”.
- 4 In section 6 for the word “clerk” in both places where it occurs there shall be substituted the words “scheme member”.
- 5 In section 10B—
 - (a) in subsection (1) after the word “widow” there shall be inserted the word “widower”;
 - (b) in subsection (2) after the word “widows” in both places where it occurs there shall be inserted the word “widowers”, after the word “widow” there shall be inserted the word “widower”, for the words “deceased clerk's” in both places where they occur there shall be substituted the words “deceased scheme member's” and for the words “his period” there shall be substituted the words “the scheme member's period”;
 - (c) in subsection (3) after the word “widow” there shall be inserted the word “widower”.
- 6 In section 10C—
 - (a) for subsection (1) there shall be substituted the following subsection—
 - “(1) Subject to the provisions of this section, in sections 10 and 10A of this Measure the expression “deceased scheme member's pension” means—
 - (a) if at the date of death the scheme member was in receipt of a pension under this Measure, the pension received by the scheme member;

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- (b) if at the date of death the scheme member had attained the retiring age but was not in receipt of a pension under this Measure, the pension to which the scheme member would have been entitled if he or she had retired on the date of his or her death;
- (c) if at the date of death the scheme member was performing pensionable service but had not attained the retiring age, the pension to which the scheme member would have been entitled if on that date the scheme member had retired on the ground that he or she had become incapable through infirmity of performing the duties of his or her office;
- (d) if at the date of death the scheme member had ceased to perform pensionable service but had not attained the retiring age and was not in receipt of a pension under this Measure, the pension to which the scheme member would have been entitled if on that date he had become incapable through infirmity of performing pensionable service.”;
- (b) in subsection (2) for the word “clerk” in each place where it occurs there shall be substituted the words “scheme member”, after the word “widow” there shall be inserted the word “widower”, for the words “clerk’s pension” there shall be substituted the words “scheme member’s pension” and for paragraph (b) there shall be substituted the following paragraph—
 - “(b) the pension to which the scheme member would have been entitled in respect of the period of pensionable service performed by the member if the scheme member had retired at the retiring age after having performed the same period of pensionable service.”;
- (c) in subsection (3) for the word “clerk” there shall be substituted the words “scheme member”.

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In section 18—

- (a) for subsection (2) there shall be substituted the following subsection—
 - “(2) The Board shall pay out of the said Fund all payments required to be made by them in respect of contributions or other sums received by them under section 11, 13, 14 or 15 of this Measure.”;
- (b) in subsection (3) for the words “Part II of this Measure” there shall be substituted the words “in respect of contributions or other sums received by them under section 11, 13, 14 or 15 of this Measure” and for the words from “for the reduction” to the end of the subsection there shall be substituted the words “for the increase of pensions or capital sums payable in respect of those contributions or other sums”.

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In section 20—

- (a) in subsection (1) after the word “widow” there shall be inserted the word “widower” and after the word “widows” there shall be inserted the word “widowers”;
- (b) in subsection (2) after the word “widow” there shall be inserted the word “widower”.

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In section 21—

- (a) in subsection (3) for the words “not less than twenty-one or more than twenty-three” there shall be substituted the word “twenty-one” and the

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- words from “and (c) not more than” to the end of the subsection shall be omitted;
- (b) in subsection (5) for the words from “any other casual vacancy” to the end of the subsection there shall be substituted the words “any casual vacancy occurring among members elected by the General Synod shall be filled as soon as possible by the Standing Committee of the Synod by the appointment of a person ordinarily resident in the province in which the member replaced was ordinarily resident at the time of his election.”
- 10 In section 24, in paragraph (b) for the words “Part II of this Measure” there shall be substituted the words “pensions or lump sum payments in respect of deceased clerks”.
- 11 In section 28—
- (a) in paragraph (a) after the word “widow” there shall be inserted the word “widower”;
- (b) in paragraph (b) for the word “wives” there shall be substituted the word “spouses” and after the word “widows” there shall be inserted the word “widowers”.
- 12 In section 29 for the words from “the Housing Act 1957” to the end of the section there shall be substituted the words “section 1(1) of the Housing Associations Act 1985.”
- 13 In section 30—
- (a) in subsection (1) after the word “widows” there shall be inserted the word “widowers”;
- (b) in subsection (2) after the word “widows” there shall be inserted the word “widowers”.
- 14 In section 34(1) for the words “other than any fund of the Clergy Pensions Institution” there shall be substituted the words “and also the accounts of any moneys received by the Board from the Commissioners under section 17(2) of this Measure”.
- 15 In section 35—
- (a) in subsection (3) for the word “clerk” there shall be substituted the words “scheme member”;
- (b) in subsection (4) for the word “clerk” in each place where it occurs there shall be substituted the words “scheme member” and after the word “widow” in both places where it occurs there shall be inserted the word “widower”.
- 16 In section 38—
- (a) in subsection (1)(a) after the word “clerk” there shall be inserted the words “deaconess or licensed lay worker”;
- (b) for the word “clerk” in each place where it occurs except in subsection (1)(a) there shall be substituted the words “scheme member”;
- (c) after the word “widow” in subsection (1)(g) there shall be inserted the word “widower”.
- 17 In section 40—
- (a) in subsections (1), (2) and (3)(a) for the words “and dependants of deceased clerks” there shall be substituted the words “widowers and dependants of deceased clerks, deaconesses or licensed lay workers”;

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- (b) in subsection (3)(b) after the word “widows” there shall be inserted the word “widowers”.
- 18 In section 41—
- (a) in subsection (1) after the word “widows” there shall be inserted the word “widowers”, in paragraph (a) for the word “clerk” there shall be substituted the words “scheme member”, and in paragraph (b) after the word “clerk” there shall be inserted the words “deaconess or licensed lay worker” and after the word “widow” in both places where it occurs there shall be inserted the word “widower”;
- (b) in subsection (2) for the word “clerk” in both places where it occurs there shall be substituted the words “scheme member” and after the word “widow” there shall be inserted the word “widower”.
- 19 In section 42—
- (a) in subsection (1) after the word “widows” there shall be inserted the word “widowers”, for the word “clerk” in both places where it occurs there shall be substituted the words “scheme member” and in paragraph (b) after the word “widow” in both places where it occurs there shall be inserted the word “widower”;
- (b) in subsection (2) for the word “clerk” in both places where it occurs there shall be substituted the words “scheme member” and after the word “widow” there shall be inserted the word “widower”.
- 20 In section 46(1)—
- (a) at the end of the definition of “clerk in Holy Orders” there shall be inserted the words “and “clerk” means a clerk in Holy Orders”;
- (b) after the definition of “Episcopal Pensions Measures” there shall be inserted the following definition—
- ““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, and includes a person who has been so admitted and has been so authorised otherwise than by licence if on the date on which section 1 of the Church of England (Pensions) Measure 1988 comes into force he was a member of the Church Workers Pension Fund”;
- (c) after the definition of “retiring age” there shall be inserted the following definition—
- ““scheme member” has the meaning assigned to it by the said section one”.

PART II

AMENDMENTS OF OTHER MEASURES

Clergy Pensions (Amendment) Measure 1972

- 21 In section 3 of the Clergy Pensions (Amendment) Measure 1972—

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- (a) in subsection (1) for the word “clerk” there shall be substituted the words “scheme member” and after the word “office” there shall be inserted the words “or that, having ceased to perform pensionable service before attaining the retiring age, he has become incapable through infirmity of performing such service”;
- (b) in subsection (2) for the word “clerk” in each place where it occurs there shall be substituted the words “scheme member”.

Incumbents (Vacation of Benefices) Measure 1977

- 22 In section 14(1) of the Incumbents (Vacation of Benefices) Measure 1977 for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988.”

Deaconesses and Lay Workers (Pensions) Measure 1980

- 23 In section 1(1) of the Deaconesses and Lay Workers (Pensions) Measure 1980 in paragraph (a) for the words “and widows” there shall be substituted the words “widows and widowers”.

Diocese in Europe Measure 1980

- 24 In section 5 of the Diocese in Europe Measure 1980—
- (a) in subsection (1) for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988”, in paragraph (a) the words from “and accordingly” to the end of the paragraph shall be omitted and in paragraph (b) for the words “said Measure of 1961” there shall be substituted the words “Clergy Pensions Measure 1961”;
 - (b) subsection (2) shall be omitted.

PART III

AMENDMENTS OF INSTRUMENTS CLERGY PENSIONS (AMENDMENT) REGULATIONS 1975

- 25 For regulation 3 of the Clergy Pensions (Amendment) Regulations 1975 there shall be substituted the following regulation—
- “3 For the removal of doubt it is hereby declared that a scheme member who—
- (a) before attaining the retiring age ceases to perform pensionable service, and
 - (b) on the date on which he attains that age is neither performing such service nor in receipt of a pension under the Church of England (Pensions) Measures 1961 to 1988,
- is to be deemed for the purposes of those Measures, any rules made thereunder and these regulations to have retired on that date”.
- 26 In regulation 5(2) of those Regulations for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988.”

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Clergy Occupational Pensions Scheme Regulations 1977

27 The Clergy Occupational Pensions Scheme Regulations 1977 shall have effect subject to the amendments specified in paragraphs 28 to 33 below.

28 In regulations 2, 4, 5, 6 and 7 for the word “clerk” wherever it occurs there shall be substituted the words “scheme member”.

29 In regulation 1 in paragraph (2) for the definition of “the Scheme” there shall be substituted—

““the Scheme” means the provisions relating to pensions for clergy, deaconesses and licensed lay workers and their widows, widowers and dependants contained in the Church of England (Pensions) Measures 1961 to 1988, any rules made under section 3 of the Clergy Pensions (Amendment) Measure 1967 and any regulations made under section 6(1) of the Clergy Pensions (Amendment) Measure 1972, including these regulations, and known as the Church of England Pensions Scheme;”

30 In regulation 2—

(a) in paragraph (2) for sub-paragraph (b) there shall be substituted—

“(b) if the scheme member dies at any time and leaves a widow or widower, the weekly rate of pension provided for the surviving spouse under the scheme shall not be less than half that guaranteed minimum.”;

(b) in paragraph (3) for sub-paragraph (b) there shall be substituted—

“(b) if the scheme member dies at any time and leaves a widow or widower, the surviving spouse shall be entitled to a pension under the scheme, the weekly rate of which is equal to half the guaranteed minimum.”;

(c) at the end of the regulation there shall be added the following paragraph—

“(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 Act and to the extent of any orders made under that section”.

31 In regulation 4—

(a) for the words “regulation 3 above” wherever they occur in paragraphs (1), (3) and (4) there shall be substituted the words “this regulation”;

(b) in paragraph (4) for the words “section 35(6) of the Act” there shall be substituted the words “section 35(6), (6A) and (6B) of the Act”.

(c) at the end of the regulation there shall be added the following paragraph—

“(5) 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 Scheme.”

32 In regulation 5 for paragraph (1) there shall be substituted the following paragraph—

“(1) This regulation applies to a scheme member to whom regulation 4 above applies and who—

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- (a) in the case of a clerk, is deemed under section 14 of the Incumbents (Vacation of Benefices) Measure 1977 (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”.

33 In regulation 6—

- (a) in paragraph (1) after the word “widow” there shall be inserted the words “or widower”;
- (b) for paragraph (5) there shall be substituted the following paragraph—
 - “(5) So much of subsection (4) of section 10 of the 1961 Measure as empowers the Church of England Pensions Board to discontinue the payment of a pension to a widow or widower who remarries shall, in relation to a widow or widower to whom this regulation applies, apply only in respect of the amount (if any) by which the widow’s or widower’s pension exceeds her or his guaranteed minimum.”

Clergy Pensions (Amendment) Regulations 1981

34 In Regulation 2 of the Clergy Pensions (Amendment) Regulations 1981—

- (a) in paragraph (1) after the word “widow” there shall be inserted the word “widower”;
- (b) in paragraph (2) for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988.”