



# Church of England Pensions Measure 2018

2018 No. 9

PROSPECTIVE

## PART 1

### INTRODUCTION

*Continuation of existing arrangements*

#### **1 The pension schemes**

- (1) The following pension schemes continue to have effect—
  - (a) the Church of England Funded Pensions Scheme (“the funded scheme”);
  - (b) the Church of England Pensions Scheme (“the past service scheme”);
  - (c) the Church Workers Pension Fund (“the workers' fund”);
  - (d) the Church Administrators Pension Fund (“the administrators' fund”);
  - (e) the Clergy (Widows and Dependants) Pensions Fund (“the widows and dependants fund”).
- (2) Every person who, immediately before the commencement of this section, was a member of a pension scheme referred to in subsection (1) continues to be a member of that scheme.

#### **2 The Church of England Pensions Board**

- (1) There is to continue to be a body corporate known as the Church of England Pensions Board (“the Board”).
- (2) Schedule 1 (which makes further provision about the Board) has effect.

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*Changes to legislation: There are currently no known outstanding effects for the Church of England Pensions Measure 2018, PART 1. (See end of Document for details)*

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## *Pensionable service*

### **3 Meaning of “pensionable service”**

- (1) This section and sections 4 to 6 apply for the purposes of this Measure.
- (2) “Pensionable service”, in relation either to the past service scheme and a member of it or to an approved scheme and a member of it, means—
  - (a) stipendiary ecclesiastical service within the meaning of section 4,
  - (b) service treated as pensionable service under an agreement made under section 5, or
  - (c) an interval between periods of service which is itself treated as pensionable service by section 6.
- (3) “Pensionable service”, in relation to the funded scheme and a member of it, has the meaning given in the rules for the time being in force under that scheme (see section 8).
- (4) “Approved scheme” means a pension scheme approved by the Board and the Church Commissioners for the purposes of this Measure.
- (5) “Qualifying period of pensionable service” means—
  - (a) a period of pensionable service of at least two years,
  - (b) a succession of periods of pensionable service (whether with or without intervals) totalling at least two years, or
  - (c) where there is a determination under subsection (6), the period or succession of periods to which the determination relates.
- (6) The Board may, in exceptional circumstances and with the agreement of the Church Commissioners, determine in the case of a particular individual—
  - (a) that a period of pensionable service of less than two years should be treated as a qualifying period of pensionable service, or
  - (b) that a succession of periods of pensionable service (whether with or without intervals) totalling less than two years should be treated as a qualifying period of pensionable service.
- (7) Where the qualifying period of pensionable service performed by a clerk, deaconess or licensed lay worker includes a period of service before 1 January 1998 and a period of service after 31 December 1997, the portion attributable to the service in each case is to be calculated without reference to any period of service following the completion of the minimum number of years of service entitling him or her to maximum benefits.
- (8) Subsections (5) and (6) and sections 5 and 6, in so far as they relate to the funded scheme and a member of it, have effect subject to the rules which are for the time being in force under that scheme.

### **4 Meaning of “stipendiary ecclesiastical service”**

- (1) “Stipendiary ecclesiastical service” means stipendiary ecclesiastical service in connection with—
  - (a) a diocese, cathedral or parish, or
  - (b) the Collegiate Church of St. Peter in Westminster or the Collegiate Church of St. George in Windsor.

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- (2) “Ecclesiastical service” means—
- (a) service rendered under the direction of a diocesan bishop, or
  - (b) service carried on in furtherance of the spiritual or administrative work of the Church of England and recognised as such by a diocesan bishop.
- (3) Ecclesiastical service is “stipendiary” if the person performing it receives in respect of it—
- (a) a payment from the Church Commissioners' general fund,
  - (b) a payment from a diocesan fund, or
  - (c) a payment from money raised in a parish and given for or allocated to that person's maintenance.
- (4) But ecclesiastical service is not “stipendiary” if the only payment the person receives is by way of reimbursement of or contribution to expenses incurred by him or her, including the cost of maintaining, heating, lighting or cleaning the property in which he or she lives or is entitled to live.
- (5) The reference in subsection (3)(a) to a payment from the Church Commissioners' general fund includes a reference to—
- (a) a payment from that fund by way of a guaranteed annuity under section 1 of the Endowments and Glebe Measure 1976, or
  - (b) an annual personal grant under section 2 of that Measure.
- (6) In the application of this section to the diocese in Europe, a reference to a parish is to be read as a reference to a chaplaincy.

## **5 Service to be treated as pensionable service**

- (1) The Board may make an agreement with a clerk, deaconess or licensed lay worker, or with the employer of a clerk, deaconess or licensed lay worker, for relevant service to be treated as pensionable service.
- (2) “Relevant service”, in relation to a clerk, deaconess or licensed lay worker, means service—
- (a) which he or she performs in that capacity or otherwise in furtherance of the spiritual or administrative work of the Church of England, but
  - (b) which is not stipendiary ecclesiastical service, and
  - (c) which is not service in respect of which he or she is a member of a pension scheme other than an approved scheme.
- (3) The reference in subsection (1) to relevant service includes a reference to service outside (as well as service in) the area to which this Measure applies.
- (4) An agreement under subsection (1) may include a requirement for the clerk, deaconess or licensed lay worker, or his or her employer, to pay the Church Commissioners such sums of money as the Board may determine, having regard to—
- (a) the nature of the service performed, and
  - (b) the cost of treating the relevant service concerned as pensionable service.
- (5) Where a clerk, deaconess or licensed lay worker ceases to be a member of a pension scheme other than the past service scheme or an approved scheme without becoming entitled to retirement benefits under it, the Board may make an agreement with him

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or her for the service in respect of which he or she was a member of the scheme to be treated as pensionable service.

- (6) An agreement under subsection (5) may include a requirement for the clerk, deaconess or licensed lay worker to pay the Church Commissioners such sums of money as the Board may determine.
- (7) An agreement made under regulation 5 of the Church of England Pensions Regulations 1988 and in force immediately before the commencement of this section continues in force and is to be treated as if it had been made under this section.

## **6 Intervals in periods of pensionable service**

- (1) An interval between two periods of pensionable service performed by a clerk, deaconess or licensed lay worker which does not exceed three months, or is of such longer duration as the Board may in exceptional circumstances allow, is itself to be treated as a period of pensionable service performed by him or her.
- (2) If the pensionable service on each or either side of the interval is part-time service, the interval is to be treated as being pensionable service of the nature either of that performed before the interval or of that performed after it, whichever is of greater benefit to the clerk, deaconess or licensed lay worker.
- (3) The reference in subsection (1) to periods of pensionable service before and after an interval does not include a reference to a period of pensionable service which is itself an interval that is being treated as a period of pensionable service by this section.

**Status:**

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**Changes to legislation:**

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