



Church of England Pensions Measure 2018

2018 No. 9

PART 5

MISCELLANEOUS

Regulations

53 Power to make further provision by regulations

- (1) Regulations may make further or different provision about—
- (a) a pension or lump sum payment for or in respect of a clerk, deaconess, licensed lay worker [^{F1}, church worker or lay residentiary canon];
 - (b) a pension for the surviving spouse or civil partner or for a child or dependant of a clerk, deaconess, licensed lay worker [^{F2}, church worker or lay residentiary canon];
 - (c) a residence for a retired clerk, deaconess, licensed lay worker [^{F3}, church worker or lay residentiary canon] and for his or her spouse or civil partner;
 - (d) a residence for the surviving spouse or civil partner or child or dependant of a retired clerk, deaconess, licensed lay worker [^{F4}, church worker or lay residentiary canon].
- (2) Regulations may make further or different provision about—
- (a) whether the chair of the Board is elected or appointed and the manner of the election or appointment;
 - (b) whether each of the other members is elected or appointed and the manner of the election or appointment;
 - (c) the period for which the chair of the Board holds office as such;
 - (d) the period for which each of the other members holds office as such;
 - (e) disqualification from membership of, or removal from, the Board;
 - (f) filling casual vacancies in the membership of the Board.

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

- (3) But regulations may not make provision under subsection (2) the effect of which would be that the membership of the Board did not include at least [^{F5}four] persons each of whom is a representative of a pension scheme administered by the Board.
- (4) Regulations may make further or different provision about—
- (a) the manner in which the amount of a contribution required under section 9(2) (the Church of England Pensions Fund) is to be determined;
 - (b) the time at which a contribution required under section 9(2) is to be paid;
 - (c) the manner in which notice is to be given as to a matter mentioned in paragraph (a) or (b);
 - (d) steps which the Board must take before making a determination under section 9(2).
- (5) Regulations under this section may confer a discretion.
- (6) Regulations under this section may include consequential, incidental, supplementary or transitional provision (including provision which amends, repeals or revokes a provision of, or of an instrument made under, a Measure (including this Measure)).
- (7) The power to make regulations under this section is exercisable by the General Synod; but the regulations must be prepared by the Board and, in so far as they relate to the past service scheme, they may not be laid before the Synod for approval without the agreement of the Church Commissioners.
- (8) Regulations under this section may not be made unless a draft of the instrument containing the regulations has been laid before the General Synod and approved by it with or without amendment.
- (9) If the Business Committee of the Synod decides that a draft of regulations under this section does not need to be debated by the Synod, the draft is to be treated as approved by the Synod without amendment unless a member of the Synod gives notice in accordance with its Standing Orders that the member—
- (a) wishes the draft regulations to be debated, or
 - (b) wishes to move an amendment to them.
- (10) The power to make regulations under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—
- (a) as if the regulations had been made when the draft was approved by the General Synod, and
 - (b) as if this Measure were an Act of Parliament providing for the regulations to be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 53(1)(a) substituted (coming into force in accordance with s. 22(3) of the amending Measure) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **Sch. 1 para. 13**
- F2** Words in s. 53(1)(b) substituted (coming into force in accordance with s. 22(3) of the amending Measure) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **Sch. 1 para. 13**
- F3** Words in s. 53(1)(c) substituted (coming into force in accordance with s. 22(3) of the amending Measure) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **Sch. 1 para. 13**
- F4** Words in s. 53(1)(d) substituted (coming into force in accordance with s. 22(3) of the amending Measure) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **Sch. 1 para. 13**

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

- F5** Word in s. 53(3) substituted (1.7.2021) by [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(2), **2(2)** (with art. 7)

Commencement Information

- I1** S. 53 in force at 1.3.2019 by [S.I. 2019/98](#), **art. 2**

54 Power to amend this Measure

- (1) Regulations under section 53 may amend, replace or repeal—
 - (a) any provision in Parts 1 to 4 other than an excepted provision, or
 - (b) sections 55 to 57 (interpretation).
- (2) In Part 1 (continuation of existing arrangements), the excepted provisions are—
 - (a) section 2 (existence of Board);
 - (b) in Schedule 1 (membership and functions etc. of Board), paragraphs 1(1) and 6 to 11.
- (3) In Part 2 (the funded scheme), the excepted provisions are—
 - (a) in section 9 (Church of England Pensions Fund), subsections (1), (2), (3)(b) and (4) to (6);
 - (b) in section 10 (the responsible body), subsections (1), (2)(a) to (c) and (3) to (7);
 - (c) section 11 (liability of Church Commissioners);
 - (d) section 12 (administration of funded scheme).
- (4) In Part 3 (the past service scheme), the excepted provisions are—
 - (a) section 31 (liability of Church Commissioners);
 - (b) section 33 (Board's functions);
 - (c) section 36 (past service scheme: determination of questions).
- (5) In Part 4 (general financial matters), the excepted provisions are—
 - (a) in section 37 (General Purposes Fund), subsection (4);
 - ^{F6}(b)
 - (c) in section 39 (schemes for church workers), subsection (6);
 - (d) section 42 (transfer of homes of residence to General Purposes Fund);
 - (e) section 43 (power of Board to make loans for residences);
 - (f) section 44 (Board's status as housing association);
 - (g) section 45 (Board's status as trustee);
 - (h) sections 47 and 48 (Board's investment powers);
 - (i) section 50 (audit);
 - (j) section 52 (miscellaneous administrative payments by Church Commissioners).

Textual Amendments

- F6** S. 54(5)(b) omitted (14.5.2021) by virtue of [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(3), **4(2)(b)**

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

Commencement Information

I2 S. 54 in force at 1.3.2019 by [S.I. 2019/98](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Cross Heading: Regulations.