



Clergy Pensions Measure 1961

1961 No. 39 and 10 Eliz 2

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous

38 Determination of questions.

- (1) Subject to the provisions of this Measure, if any question arises:—
- (a) whether any clerk [^{F1}deaconess or licensed lay worker] is performing or has performed pensionable service,
 - (b) as to the length of the qualifying period of pensionable service performed by any [^{F2}scheme member] or the date on which the qualifying period terminated,
 - (c) whether a [^{F2}scheme member] satisfies any other conditions laid down for receipt of a pension under Part I of this Measure or the terms and conditions upon which his pension is granted or agreed to be paid,
 - (d) whether a [^{F2}scheme member] has retired or on what date he retired,
 - (e) as to the rate at which a pension is to be paid and whether any deductions are to be made therefrom in respect of arrears of contributions,
 - (f) as to the right of a [^{F2}scheme member] to a repayment of any contributions paid by him, or
 - (g) as to the rights of a widow [^{F3}widower]^{F4}, surviving civil partner,]]], child or dependant of a [^{F2}scheme member], or of the [^{F2}scheme member] himself, under Part II of this Measure (including the question whether any person is a dependant of a [^{F2}scheme member]),
- it shall be decided by the Board at a meeting specially convened for that purpose.
- (2) Before giving a decision under this section the Board shall give the [^{F2}scheme member] or other person concerned, or his agent, an opportunity of being heard.
- (3) Any person aggrieved by a decision of the Board under this section, may, within such limits of time and in such manner as may be laid down by Rules of Court, appeal from

Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961, Section 38. (See end of Document for details)

that decision to the High Court, and the decision of that Court on any such appeal shall be final.

- (4) [^{F5}Part I of the Arbitration Act 1996] shall not apply to any proceedings under this section.

Textual Amendments

- F1** Words inserted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 16(a)**
- F2** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 16(b)**
- F3** Word inserted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 16(c)**
- F4** Words in s. 38(1)(g) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(5)**
- F5** Words in s. 38(4) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 15** (with s. 81(2)) ; S.I. 1996/3146, **arts. 3, 4** (with Sch. 2).

Modifications etc. (not altering text)

- C1** S. 38 amended by Clergy Pensions (Amendment) Measure 1972 (No. 5, SIF 21:5), **s. 6(3)**

Status:

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