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STATUTORY INSTRUMENTS

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**1992 No. 1748**

**ECCLESIASTICAL LAW, ENGLAND**

**Church of England Pensions (Amendment) Regulations 1992**

<i>Made (approved by the General Synod)</i>	- - -	<i>11th July 1992</i>
<i>Laid before Parliament</i>		<i>16th July 1992</i>
<i>Coming into force</i>	- - -	<i>1st October 1992</i>

In exercise of the powers conferred by section 6 of the Clergy Pensions (Amendment) Measure 1972<sup>(1)</sup> the General Synod hereby approve the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Church of England Pensions (Amendment) Regulations 1992 and shall come into force on the first day of October 1992.

(2) In these Regulations “the 1967 Measure” means the Clergy Pensions (Amendment) Measure 1967<sup>(2)</sup> and “the 1988 Regulations” means the Church of England Pensions Regulations 1988<sup>(3)</sup>.

**Power to make lump sum payments**

2. After section 3(2) of the 1967 Measure there shall be inserted the following subsection—

“(2A) Where the Standing Committee of the General Synod determines that any Rules made under this section do not need to be debated by the General Synod, then, unless—

- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the Rules to be debated, or
- (b) notice is so given by any such member that he wishes to move an amendment to the Rules and at least twenty-five other members of the Synod indicate when the amendment is called that they wish the amendment to be moved,

the Rules shall for the purposes of subsection (2) above be deemed to have been approved by the General Synod without amendment.”.

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(1) 1972 No.5; section 6 was amended and extended by section 16 of the Church of England (Pensions) Measure 1988 (No.4).  
(2) 1967 No.1.  
(3) S.I.1988/2256.

### **Suspension or reduction of disability pension**

3.—(1) In regulation 7(3) of the 1988 Regulations after the word “service” there shall be inserted the words “or is or is capable of being engaged in other remunerated employment”.

(2) For regulation 7(5) of the 1988 Regulations there shall be substituted the following paragraph—

“(5) Where a pension is suspended or reduced under paragraph (3) above on the ground that the scheme member has become capable of performing pensionable service, and he subsequently—

(a) retires or

(b) is deemed to have retired, the Board being satisfied after considering further medical evidence that he is incapable of performing pensionable service,

payment of the pension shall resume, with effect from the date of the second retirement or (as the case may be) the date on which the Board determine that they are so satisfied, at such rate as the Board think fit having regard, in an appropriate case, to any additional period of pensionable service, not being a rate lower than that received by the scheme member before the pension was suspended or reduced.”.

(3) After regulation 7(5) of the 1988 Regulations there shall be inserted the following paragraphs—

“(6) Where a pension is suspended or reduced under paragraph (3) above on the ground that the scheme member, while incapable of performing pensionable service, is or is capable of being engaged in other remunerated employment, and subsequently—

(a) he ceases to be engaged in any such employment or

(b) the Board are satisfied after considering further medical evidence that he is incapable of being so engaged,

payment of the pension shall resume, with effect from the date on which engagement in such other employment ceases or (as the case may be) the date on which the Board determine that they are so satisfied, at such rate as the Board think fit not being a rate lower than that received by the scheme member before the pension was suspended or reduced.

(7) Paragraph (3) above, so far as it confers power on the Board to suspend or reduce a pension where they are satisfied that a scheme member is or is capable of being engaged in other remunerated employment, shall not apply to a pension to which a scheme member became entitled before the date on which the Church of England Pensions (Amendment) Regulations 1992 came into force.”.

### **Suspension or reduction of pension in case of service after retirement**

4. In regulation 9(1)(b) for the words “in the case of a woman, the age of 65 years or, in the case of a man, the age of 70 years” there shall be substituted the words “an age five years above the retiring age”.

### **Pensions for dependants**

5.—(1) In regulation 14 of the 1988 Regulations there shall be omitted—

(a) in paragraph (1) the words “who has performed a qualifying period of pensionable service” and

(b) paragraph (3).

(2) In regulation 15 of the 1988 Regulations there shall be omitted—

- (a) in paragraph (1) the words “who has performed a qualifying period of pensionable service” and
- (b) paragraph (7).
- (3) In regulation 16 of the 1988 Regulations paragraph (4) shall be omitted.
- (4) In regulation 19(3) of the 1988 Regulations there shall be omitted the words “then notwithstanding anything in regulation 4 or 14 above”, and after the word “shall” in subparagraph (a) there shall be inserted the words “notwithstanding anything in regulation 4 above”.

Approved by the General Synod the eleventh day of July 1992

*P.J.C. Mawer*  
Secretary General

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Church of England's pension scheme for those in the stipendiary ministry. Regulation 2 applies the deemed approval procedure, which already applies to the Regulations themselves, to the Rules made by the Church of England Pensions Board providing for lump sum payments. Regulation 3 extends the Board's power to suspend or reduce a disability pension where the pensioner takes alternative employment, regulation 4 recognises the new retiring age of 65 years for women first beginning pensionable service on or after 1st January 1992, and regulation 5 abolishes the qualifying period of pensionable service in relation to the payment of pensions to widows, widowers and children.