



# Stipends (Cessation of Special Payments) Measure 2005

**2005 No. 1**

A Measure passed by the General Synod of the Church of England to provide for the cessation of guaranteed annuities payable by the Church Commissioners to incumbents and certain other payments made to dioceses; to provide for the application of sums made available in consequence thereof; and for connected purposes. [24th March 2004]

## **1 Cessation of guaranteed annuities**

- (1) Subject to the following provisions of this section, no guaranteed annuity shall be payable by the Commissioners under the 1976 Measure in respect of any benefice towards the stipend of the incumbent of that benefice after the cessation date or, if the benefice is vacant on the date of the coming into force of this section, after that date.
- (2) As soon as practicable after the date of the coming into force of this section, the Commissioners shall serve a notice, in writing, on the incumbent of each benefice, except any benefice which is vacant on that date, in respect of which a guaranteed annuity is payable, informing the incumbent of the effect of this section and stating that the incumbent has the right, not later than the date specified in the notice, being a date not less than three months from the date of the notice, to notify the Commissioners in writing that the incumbent wishes the guaranteed annuity to continue to be paid to the incumbent.
- (3) Subject to subsection (4) below, if, before the specified date, or such later date as the Commissioners may allow in a particular case, the Commissioners are notified by an incumbent as provided by subsection (2) above, the guaranteed annuity shall continue to be payable to the incumbent as long as that incumbent remains in office either in the same benefice or in any new benefice created by the union of that benefice and one or more other benefices.
- (4) If an incumbent has notified the Commissioners as provided by subsection (2) above, the incumbent may at any time notify the Commissioners in writing that the incumbent

no longer wishes to receive the guaranteed annuity, whereupon the guaranteed annuity shall cease to be payable—

- (a) if the notification under this subsection is received before the cessation date, on that date, and
  - (b) if such notification is received on or after that date, forthwith.
- (5) Subsections (1) and (2) above shall not have effect in relation to an incumbent to whom, on the date of the coming into force of this section, a guaranteed annuity and an annual personal grant are payable and, in such a case, notwithstanding anything in section 1 of the 1976 Measure, the guaranteed annuity shall continue to be payable only so long as that incumbent remains in office.

## **2 Cessation of certain payments to Diocesan Stipends Funds**

- (1) Where, on the date of the coming into force of this section, a scheme made under section 4 of the 1976 Measure makes provision, under subsection (4) of that section, for the Commissioners to charge their general fund with annual payments to the income account of any diocesan stipends fund, no such payments shall be made after that date.
- (2) After the date of the coming into force of this section no payments shall be made by the Commissioners to the income accounts of the diocesan stipends funds of dioceses under section 8(1) of the 1976 Measure and the said income accounts shall not stand charged under section 8(3) with the payments therein mentioned.
- (3) Section 8 of the 1976 Measure is hereby repealed.

## **3 Application of sums available to Commissioners**

- (1) After the cessation date or, where there is more than one cessation date, the last such date, the Commissioners shall, from time to time and, in any event, not less than once a year, make payments to the Archbishops' Council of amounts equal to the total of the sums which would have been paid by way of guaranteed annuities and the payments mentioned in section 2(1) and (2) above at the date of the passing of sections 1 and 2 above if those sections had not been passed, less any sums which continue to be payable under section 1 above.
- (2) The Archbishops' Council shall, from time to time and, in any event, not less than once a year, make payments to the income accounts of the diocesan stipends funds of amounts equal to the total of the sums received by the Council from the Commissioners under subsection (1) above.
- (3) The payments made by the Archbishops' Council under subsection (2) above shall be allocated amongst the dioceses in such manner as the Archbishops' Council shall, after consulting the Commissioners, determine and in a way which is consistent with the requirements of section 67 of the Ecclesiastical Commissioners Act 1840 (3 & 4 Vict. c.113) relating to the making of additional provision for the cure of souls in parishes where such assistance is most required.
- (4) Any diocese which receives payments under subsection (3) above shall apply or distribute the sums received only for the purposes mentioned in section 5(1)(a) of the [Diocesan Stipends Funds Measure 1953 \(1953 No. 2\)](#) and in a way which is consistent with the requirements of the said section 67.

- (5) As soon as practicable after the end of each year the Archbishops' Council shall cause a certificate to be issued to the Commissioners to the effect that the allocation of the sums paid to the Council under subsection (1) above has been in accordance with the requirements of subsection (3) above.

#### **4 Interpretation**

- (1) In this Measure —

“annual personal grant” means any grant payable under section 2 of the 1976 Measure;

“cessation date” means the date specified in the notice served on an incumbent under section 1(2) above or, where the Commissioners have allowed a later date under section 1(3) above, that date;

“the Commissioners” means the Church Commissioners;

“guaranteed annuity” has the same meaning as in section 1(5) of the 1976 Measure;

“the 1976 Measure” means the [Endowments and Glebe Measure 1976 \(1976 No. 4\)](#); and

“year” means the financial year of the Commissioners.

- (2) Any reference to the income account of a diocesan stipends fund means the income account required to be kept under section 1 of the [Diocesan Stipends Funds Measure 1953 \(1953 No. 2\)](#).

#### **5 Citation, commencement and extent**

- (1) This Measure may be cited as the Stipends (Cessation of Special Payments) Measure 2005.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Isle of Man, but, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 3 and 4 of this Measure and this section shall extend to the Isle of Man subject to such exceptions, adaptations and modifications as may be specified in the Act of Tynwald or instrument.