



Church of England (Pensions) Measure 1988

1988 No. 4

A Measure passed by the General Synod of the Church of England to amend the Clergy Pensions Measures 1961 to 1982, and for connected purposes. [27th October 1988]

1–4 F1

Textual Amendments

F1 Ss. 1–4 repealed by S.I. 1988/2256, reg. 36, Sch. 2

5 Extension of powers to make lump sum payments.

In section 3 of the Clergy Pensions (Amendment) Measure 1967 (power to make lump sum payments to clerks entitled to pensions under Part I of the 1961 Measure)—

- (a) in subsection (1) for the word “clerks” there shall be substituted the words “scheme members”;
- (b) after subsection (1) there shall be inserted the following subsection—

“(1A) As from such date as may be specified in rules made under this section, the Commissioners may, subject to and in accordance with such rules, authorise the Board to make lump sum payments on the death of scheme members”.

6 F2

Textual Amendments

F2 S. 6 repealed by S.I. 1988/2256, reg. 36, Sch. 2

*Status: Point in time view as at 01/01/1998.**Changes to legislation: There are currently no known outstanding effects for the Church of England (Pensions) Measure 1988. (See end of Document for details)*

7 Termination of contributory pension scheme for widows and children under s. 11 of 1961 Measure.

- (1) Sections 11, 12 and 13 of the 1961 Measure (which provide for the payment of contributions towards pensions for widows and children of clergy ordained after 1947 and before 22nd March 1967) shall cease to have effect and no further contribution or other sum of money shall be paid by any clerk under the said section 11 or 13.
- (2) Where the liability of any clerk to make any payment ceases by virtue of subsection (1) above, the benefits to which his widow and children (if any) would have been entitled on his death, if the liability had not ceased, shall be paid at such reduced rate as an actuary may certify to be proper.
- (3) Section 1 of the ^{M1}Clergy Pensions (Amendment) Measure 1967 (which limits the application of section 11 of the 1961 Measure and makes provision for the cessation of payment of contributions under that section) shall cease to have effect.

Marginal Citations

M1 1967 No. 1.

8 Termination of payment of contributions begun under Part II of Clergy Pensions Measure 1948.

- (1) Section 14 of the 1961 Measure (contributions for pensions for widows and dependants paid under Part II of the Clergy Pensions Measure 1948) shall cease to have effect and no further contribution shall be paid by any clerk under that section.
- (2) Where a clerk has ceased to pay contributions under the said section 14 by virtue of subsection (1) above, the benefits to which his widow, nominated dependant or personal representatives would have been entitled on his death if the contributions had continued to be paid until the clerk's attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever first occurs, shall be paid at such reduced rate as an actuary may certify to be proper.

9 Termination of liability for contributions under agreements made under s. 15 of 1961 Measure.

- (1) The liability of any clerk to pay contributions under any agreement made by him with the Board under section 15 of the 1961 Measure for the payment of a pension to his widow or dependants shall cease and no further contributions shall be paid by him.
- (2) Where the liability of a clerk to pay contributions under any such agreement ceases by virtue of subsection (1) above, the benefits to which his widow or any other beneficiary specified in the agreement would have been entitled on his death, if the liability had not ceased, shall be paid at such reduced rate as an actuary may certify to be proper.

10 Provisions supplementary to ss. 7 to 9.

- (1) An actuary in certifying the proper rate of benefits to be paid under section 7, 8, or 9 of this Measure may take into account any arrears of contributions which have not been paid, and section 35(4) of the 1961 Measure shall not apply to any such arrears.

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- (2) A contribution paid under section 11 or 14 of the 1961 Measure shall in no circumstances be repaid to the clerk by whom it was paid.
- (3) Nothing in this Measure shall affect the benefits payable on death in respect of contributions or any other sum paid under section 11, 13 or 14 of the 1961 Measure by a clerk who is alive on the date on which the relevant section ceases to have effect but has before that date ceased to pay those contributions, for whatever reason.

11 Payments out of Commissioners' general fund.

In section 17 of the 1961 Measure (payments out of Commissioners' general fund)—

- (a) in subsection (1) after the word "Measure" there shall be inserted the words "or under section 3(1) of the Clergy Pensions (Amendment) Measure 1967";
- (b) in subsection (2) for the words "section 10 of this Measure" there shall be substituted the words "sections 10, 10A and 10B of this Measure or under section 3(1A) of the Clergy Pensions (Amendment) Measure 1967";
- (c) in subsection (3) for the words "retired clerks or to the widows and dependants of deceased clerks" there shall be substituted the words "retired scheme members or to the widows, widowers and dependants of deceased scheme members".

12 Extension of powers of Board relating to residences.

(1) In section 26(1) of the 1961 Measure (provision of residences)—

- (a) for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) to provide, maintain and manage homes for the residence of retired clerks, deaconesses and licensed lay workers and the spouses of retired clerks, deaconesses and licensed lay workers;
 - (b) to provide, maintain and manage homes for the residence of the widows, widowers and dependants of deceased clerks, deaconesses and licensed lay workers”;
- (b) paragraph (e) shall be omitted.

(2) In section 26(3A) of the 1961 Measure (loans for residences)—

- (a) for the words from the beginning of the subsection to the words “in any earlier resolution” there shall be substituted—

“(3A) The Board shall have power to make a loan, on such terms as the Board think fit—

- (a) to a clerk, deaconess or licensed lay worker who has retired or has attained the requisite age; or
- (b) to the widow or widower of a deceased clerk, deaconess or licensed lay worker;

to assist him or her to purchase, build, rebuild or improve a dwelling-house (including a flat) in which he or she resides or is to reside, being a loan made on the security of the dwelling-house and in respect of a freehold interest or a leasehold interest the unexpired term of which is not less than sixty years; and any loan which the Board has power

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to make under this subsection to a person mentioned in paragraph (a) above may instead be made to the spouse of that person.

In this subsection “the requisite age” means three years below retiring age or such other age below retiring age as the General Synod may by resolution from time to time determine in relation to the retiring age for men or in relation to the retiring age for women.”

- (b) for the words “(3) A resolution under this subsection” there shall be substituted the words “(3B) A resolution under subsection (3A) above”.
- (3) In section 26(4) of the 1961 Measure for the words from the beginning of the subsection to the words “deceased church workers” there shall be substituted the words “The Board may defray any expenditure incurred by them in the exercise, for the benefit of retired clerks and their spouses or for the benefit of the widows, widowers or dependants of deceased clerks, of the powers conferred by the foregoing provisions of this section” and in paragraph (a) after the word “widows” there shall be inserted the word “widowers”.

13 Membership of pensions schemes for church workers.

In section 27 of the 1961 Measure (power of Board to administer pensions schemes for church workers) at the beginning there shall be inserted “(1)”, after the word “widows” there shall be inserted the word “widowers” and for the words from “A person who is a member of a scheme” to the end of the section there shall be substituted the following subsections—

- “(2) A deaconess or licensed lay worker who is performing, or has performed, service which is, or is treated as, pensionable service for the purposes of this Measure shall not be eligible to join a scheme established or administered under this section, unless the Board at their discretion grant the deaconess or lay worker permission to do so.
- (3) The Board may at their discretion grant a clerk permission to join a scheme established or administered under this section.
- (4) A person who is a member of a scheme established or administered under this section shall be disqualified from continued membership thereof if the service performed by that person becomes service which is, or is treated as, pensionable service for the purposes of this Measure.”

14 Investment powers of Board.

In section 32 of the 1961 Measure (investment powers of Board)—

- (a) for subsections (1) and (2) there shall be substituted the following subsections—
 - “(1) Without prejudice to section 32A of this Measure, the Board may invest any moneys in their hands and available for investment—
 - (a) in any investment falling within Schedule 1 of the Trustee Investments Act 1961;
 - (b) in the acquisition of freehold land in England and Wales or of leasehold land in England and Wales of which the unexpired term at the time of acquisition is not less than sixty years, and

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(c) in any investment fund or deposit fund constituted under the Church Funds Investment Measure 1958.

(2) The Board may retain any investment given to them by way of legacy or otherwise notwithstanding that it is not an investment which the Board would have power to acquire under subsection (1) above.”;

(b) in subsection (3) for the words “any of the securities mentioned in paragraphs (r), (s) or (t) of subsection (1) of this section” there shall be substituted the words “any investment falling within Part III of Schedule 1 to the Trustee Investments Act 1961”;

(c) subsections (4) to (7), (9) and (10) shall be omitted and in subsection (8) all the definitions except the definition of “property” shall be omitted.

15 F3

Textual Amendments

F3 S. 15 repealed by S.I. 1988/2256, reg. 36, Sch. 2

16 Extension of powers of General Synod to make further provision by regulations for clergy pensions.

In section 6 of the Clergy Pensions (Amendment) Measure 1972 (powers of General Synod to make further provision by regulations with respect to pensions for clergy and their widows and dependants)—

(a) for subsection (1) there shall be substituted the following subsection—

“(1) The General Synod may, by regulations approved by the Synod under this section, make further provision with respect to—

- (a) pensions and lump sum payments for or in respect of clergy and church workers;
- (b) pensions for the widows, widowers and dependants of clergy and church workers;
- (c) residences for retired clergy and church workers and for the spouses of retired clergy and church workers;
- (d) residences for the widows, widowers and dependants of deceased clergy and church workers;
- (e) any matter incidental or supplementary to the matters mentioned in paragraphs (a) to (d) above.”;

(b) in subsection (2) for the words “Clergy Pensions Measures 1961 to 1969 and this Measure” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988” and for the words “for the clergy and their widows” there shall be substituted the words “and lump sum payments for or in respect of the clergy and church workers and to pensions for their widows, widowers”;

(c) for subsection (3) there shall be substituted the following subsection—

“(3) The provisions excepted from the last preceding subsection are Part III (excluding sections 26(1) to (3A), 27 and 32A) and section 38 of the principal Measure, section 4 of the Clergy Pensions (Amendment)

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Measure 1967 and this section (“the excepted provisions”), together with interpretation provisions of the principal Measure so far as they relate to the excepted provisions; and any reference in the excepted provisions to any provision of the principal Measure which is amended or replaced by regulations approved under this section shall be construed as a reference to, or as including a reference to, that provision as amended or replaced by those regulations.”;

(d) for subsection (4) there shall be substituted the following subsections—

“(4) Any regulations under this section shall be prepared by the Board and, with the concurrence of the Commissioners, shall be laid before the General Synod and shall not come into force until they have been approved by the General Synod, whether with or without amendment.

(4A) Where the Standing Committee of the General Synod determines that regulations laid before the General Synod under this section do not need to be debated by the Synod then, unless—

(a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the regulations to be debated, or

(b) notice is so given by any such member that he wishes to move an amendment to the regulations 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 regulations shall for the purposes of this section be deemed to have been approved by the General Synod without amendment.”

^{F4}17

Textual Amendments

F4 S. 17 repealed (1.1.1998) by 1997 No. 1, s. 10(2), **Sch. 2 Pt. I**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

18 Amendments and repeals.

- (1) The enactments specified in Schedule 2 to this Measure shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the preceding provisions of this Measure.
- (2) The enactments specified in Schedule 3 to this Measure are hereby repealed to the extent specified in the third column of that Schedule.

19 Citation, commencement and interpretation.

- (1) This Measure may be cited as the Church of England (Pensions) Measure 1988, and this Measure may be cited with the Clergy Pensions Measures 1961 to 1982 and the ^{M2}Deaconesses and Lay Workers (Pensions) Measure 1980 as the Church of England (Pensions) Measures 1961 to 1988.

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- (2) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint, and different dates may be appointed for different provisions.
- (3) In this Measure “the 1961 Measure” means the ^{M3}Clergy Pensions Measure 1961.
- (4) This Measure shall be construed as one with the 1961 Measure.

Modifications etc. (not altering text)

C1 Power of appointment conferred by s. 19(2) fully exercised by Instrument dated 31.10.1988

Marginal Citations

M2 1980 No. 1.

M3 1961 No. 3.

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SCHEDULES

SCHEDULE 1

. . . F5

Textual Amendments

F5 Sch. 1 repealed by S.I. 1988/2256, reg. 36, Sch. 2

SCHEDULE 2

Section 18(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS TO CLERGY PENSIONS MEASURE 1961

1 The ^{M4}Clergy Pensions Measure 1961 shall have effect subject to the amendments specified in paragraphs 2 to 20 below.

Marginal Citations

M4 1961 No. 3.

2–6 . . . F6

Textual Amendments

F6 Sch. 2 paras. 2–6, 15, 18, 19, 20(a)(c), 21 and 25–33 repealed by S.I. 1988/2256, reg. 36, Sch. 2

7 In section 18—
(a) for subsection (2) there shall be substituted the following subsection—
“(2) The Board shall pay out of the said Fund all payments required to be made by them in respect of contributions or other sums received by them under section 11, 13, 14 or 15 of this Measure.”;
(b) in subsection (3) for the words “Part II of this Measure” there shall be substituted the words “in respect of contributions or other sums received by them under section 11, 13, 14 or 15 of this Measure” and for the words from “for the reduction” to the end of the subsection there shall be substituted the words “for the increase of pensions or capital sums payable in respect of those contributions or other sums”.

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- 8 In section 20—
- (a) in subsection (1) after the word “widow” there shall be inserted the word “widower” and after the word “widows” there shall be inserted the word “widowers”;
 - (b) in subsection (2) after the word “widow” there shall be inserted the word “widower”.
- 9 In section 21—
- (a) in subsection (3) for the words “not less than twenty-one or more than twenty-three” there shall be substituted the word “twenty-one” and the words from “and (c) not more than” to the end of the subsection shall be omitted;
 - (b) in subsection (5) for the words from “any other casual vacancy” to the end of the subsection there shall be substituted the words “any casual vacancy occurring among members elected by the General Synod shall be filled as soon as possible by the Standing Committee of the Synod by the appointment of a person ordinarily resident in the province in which the member replaced was ordinarily resident at the time of his election.”
- 10 In section 24, in paragraph (b) for the words “Part II of this Measure” there shall be substituted the words “pensions or lump sum payments in respect of deceased clerks”.
- 11 In section 28—
- (a) in paragraph (a) after the word “widow” there shall be inserted the word “widower”;
 - (b) in paragraph (b) for the word “wives” there shall be substituted the word “spouses” and after the word “widows” there shall be inserted the word “widowers”.
- 12 In section 29 for the words from “the Housing Act 1957” to the end of the section there shall be substituted the words “section 1(1) of the Housing Associations Act 1985.”
- 13 In section 30—
- (a) in subsection (1) after the word “widows” there shall be inserted the word “widowers”;
 - (b) in subsection (2) after the word “widows” there shall be inserted the word “widowers”.
- 14 In section 34(1) for the words “other than any fund of the Clergy Pensions Institution” there shall be substituted the words “and also the accounts of any moneys received by the Board from the Commissioners under section 17(2) of this Measure”.
- 15 . . . ^{F7}

Textual Amendments

F7 Sch. 2 paras. 2–6, 15, 18, 19, 20(a)(c), 21 and 25–33 repealed by S.I. 1988/2256, reg. 36, Sch. 2

- 16 In section 38—
- (a) in subsection (1)(a) after the word “clerk” there shall be inserted the words “deaconess or licensed lay worker”;

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- (b) for the word “clerk” in each place where it occurs except in subsection (1)(a) there shall be substituted the words “scheme member”;
- (c) after the word “widow” in subsection (1)(g) there shall be inserted the word “widower”.

17 In section 40—

- (a) in subsections (1), (2) and (3)(a) for the words “and dependants of deceased clerks” there shall be substituted the words “widowers and dependants of deceased clerks, deaconesses or licensed lay workers”;
- (b) in subsection (3)(b) after the word “widows” there shall be inserted the word “widowers”.

18, 19 . . . F8

Textual Amendments

F8 Sch. 2 paras. 2–6, 15, 18, 19, 20(a)(c), 21 and 25–33 repealed by S.I. 1988/2256, reg. 36, Sch. 2

20 In section 46(1)—

- (a) . . . F9
- (b) after the definition of “Episcopal Pensions Measures” there shall be inserted the following definition—

““licensed lay worker” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been authorised by a bishop by licence to serve as such a worker, and includes a person who has been so admitted and has been so authorised otherwise than by licence if on the date on which section 1 of the Church of England (Pensions) Measure 1988 comes into force he was a member of the Church Workers Pension Fund”;

- (c) . . . F9

Textual Amendments

F9 Sch. 2 paras. 2–6, 15, 18, 19, 20(a)(c), 21 and 25–33 repealed by S.I. 1988/2256, reg. 36, Sch. 2

PART II

AMENDMENTS OF OTHER MEASURES

21 . . . F10

Textual Amendments

F10 Sch. 2 paras. 2–6, 15, 18, 19, 20(a)(c), 21 and 25–33 repealed by S.I. 1988/2256, reg. 36, Sch. 2

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Incumbents (Vacation of Benefices) Measure 1977

22 In section 14(1) of the ^{M5}Incumbents (Vacation of Benefices) Measure 1977 for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988.”

Marginal Citations
M5 1977 No. 1.

^{M6}Deaconesses and Lay Workers (Pensions) Measure 1980

Marginal Citations
M6 1980 No. 1.

23 In section 1(1) of the Deaconesses and Lay Workers (Pensions) Measure 1980 in paragraph (a) for the words “and widows” there shall be substituted the words “widows and widowers”.

^{M7}Diocese in Europe Measure 1980

Marginal Citations
M7 1980 No. 2.

24 In section 5 of the Diocese in Europe Measure 1980—
 (a) in subsection (1) for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988”, in paragraph (a) the words from “and accordingly” to the end of the paragraph shall be omitted and in paragraph (b) for the words “said Measure of 1961” there shall be substituted the words “Clergy Pensions Measure 1961”;
 (b) subsection (2) shall be omitted.

PART III

AMENDMENTS OF INSTRUMENTS

25–33 **F11**

Textual Amendments
F11 Sch. 2 paras. 2–6, 15, 18, 19, 20(a)(c), 21 and 25–33 repealed by S.I. 1988/2256, reg. 36, Sch. 2

34 ... **F12**

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Textual Amendments
F12 Sch. 2 para. 34 repealed by S.I. 1988/2239, reg. 5(3)(c)

SCHEDULE 3 Section 18(2).

ENACTMENTS REPEALED

Measures

Chapter	Short title	Extent of repeal
1961 No. 3.	The Clergy Pensions Measure 1961.	Sections 11 to 14. In section 26, paragraph (e) of subsection (1). In section 32, subsections (4) to (7), (9) and (10). Section 39.
1967 No. 1.	The Clergy Pensions (Amendment) Measure 1967.	Section 1.

Instruments

Number	Title	Extent of repeal
1975 No. 136.	The Clergy Pensions (Amendment) Regulations 1975.	Regulations 2 and 4.
1977 No. 1146.	The Clergy Occupational Pensions Scheme Regulations 1977.	In regulation 1, in paragraph (2) the definitions of “salary” and “scheme year” and paragraphs (3) and (4). Regulation 3. In regulation 6, paragraphs (2), (3) and (4). In regulation 9, paragraphs (2), (3) and (4) and in paragraph (5) the words “(2) and (4)”.

Status:

Point in time view as at 01/01/1998.

Changes to legislation:

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