

*Status: Point in time view as at 01/01/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Pensions Measure 1997. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 10(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

#### AMENDMENTS TO MEASURES

##### *Church Commissioners Measure 1947*

- 1 The <sup>M1</sup>Church Commissioners Measure 1947 shall have effect subject to the following amendments.

**Marginal Citations**

**M1** 10 & 11 Geo.6 No. 2.

- 2 In section 6 after subsection (3) there shall be inserted the following subsection—
- “(3A) Before making any recommendation under subsection (3)(b) above the Assets Committee shall obtain the advice of an actuary as to the likely effect of adopting the recommendation on the Commissioners’ financial position as a whole and shall have regard to that advice; and the Commissioners shall ensure that a summary of such advice is included in their annual report under section 12 of this Measure.
- For the purposes of this subsection “actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland, not being a Church Commissioner or a member of the staff of the Commissioners, and includes a firm of actuaries.”.
- 3 In section 10(6) after the words “general fund, and” there shall be inserted the words “, subject to section 7 of the Pensions Measure 1997 (which relates to the use of capital funds) ”.

##### *Clergy Pensions Measure 1961*

- 4 The <sup>M2</sup>Clergy Pensions Measure 1961 shall have effect subject to the following amendments.

**Marginal Citations**

**M2** 1961 No. 3.

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- 5 In section 17 for subsections (1) and (2) there shall be substituted the following subsections —
- “(1) Subject to section 7 of the Pensions Measure 1997 (which relates to the use of capital funds), all payments to be made by the Commissioners under subsection (2) below shall be made out of their general fund.
- (2) The Commissioners shall pay to the Board such sums as are required by the Board for the payments to be made by them under the past service scheme.”
- 6 In section 21(10) for the word “seven” there shall be substituted the words “ six, including at least two persons representing the members of the pension schemes administered by the Board ”.
- 7 In section 22—
- (a) in subsection (2)—
- (i) for the word “Commissioners” there shall be substituted the word “ Board ”;
- (ii) for the words “their general fund” there shall be substituted the words “ funds administered by the Board ”;
- (b) for subsection (3) there shall be substituted the following subsection —
- “(3) The Commissioners may make payments to the Board out of their general fund for the purpose of meeting so much of the administrative expenses of the Board as appears to the Board to be proportionate to the work undertaken by the Board in the administration of the past-service scheme and other matters in respect of which the Commissioners have a financial interest.”.
- 8 In section 24—
- (a) for the words from “control” to “by this Measure” there shall be substituted the words “ administer the past service scheme and the funded scheme ”;
- (b) in paragraph (a) after the word “Measure” there shall be inserted the words “ or the Pensions Measure 1997 ”;
- (c) in paragraph (b) for the words from “upon the Clergy” to the end there shall be substituted the words “ in such manner and upon such terms and conditions as the Board think fit ”.
- 9 In section 25 after the word “functions” there shall be inserted the words “ in connection with the past service scheme ”.
- 10 In section 34—
- (a) in subsection (1)—
- (i) for the word “Treasury” in the first place where it appears there shall be substituted the word “ Board ”;
- (ii) the words from “under section 17(2)” to the end shall be omitted;
- (b) in subsection (2) for the words “at such times” there shall be substituted the word “ annually ” and the words from “in such form” to the end shall be omitted.
- 11 In section 38A(2)—
- (a) for the words “the principal scheme” in the first place where they appear there shall be substituted the words “ the past service scheme and the funded scheme ”;

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- (b) for the words “the principal scheme” in the second place where they appear there shall be substituted the words “ those schemes ”.
- 12 In section 44 for the words from “Commissioners after” to “as the Commissioners” there shall be substituted the words “ Board to such other rate as the Board ”.
- 13 In section 46(1)—
- (a) in the definition of “actuary” for the words from “employed” to the end of the definition there shall be substituted the words “ , not being a Church Commissioner or a member of the Board or a member of the staff of the Commissioners or the Board, and includes a firm of actuaries ”;
- (b) after the definition of “ecclesiastical service” there shall be inserted the following definition—  
““funded scheme” has the meaning assigned to that expression by the Pensions Measure 1997”;
- (c) after the definition of “licensed lay worker” there shall be inserted the following definition—  
““past service scheme” has the meaning assigned to that expression by the Pensions Measure 1997;”.

*Clergy Pensions (Amendment) Measure 1967*

- 14 In section 3(1) of the <sup>M3</sup>Clergy Pensions (Amendment) Measure 1967—
- (a) for the word “Commissioners” there shall be substituted the word “ Board ”;
- (b) for the words from “Part II” to “1988” there shall be substituted the words “ the past service scheme (within the meaning assigned to that expression by the Pensions Measure 1997) ”.

**Marginal Citations**

M3 1967 No. 1.

*Clergy Pensions (Amendment) Measure 1972*

- 15 The <sup>M4</sup>Clergy Pensions (Amendment) Measure 1972 shall be amended as follows.

**Marginal Citations**

M4 1972 No. 5.

- 16 In section 5(4) for the word “Commissioners” there shall be substituted the word “ Board ”.
- 17 In section 6—
- (a) in subsection (1) for paragraph (e) there shall be substituted the following paragraphs—  
“(e) the manner in which the amount of the contributions payable under section 4(1) of the Pensions Measure 1997 is to be determined and the times at which those contributions are to be made;

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- (f) the manner in which notice is to be given as to the matters referred to in paragraph (e) above;
  - (g) the manner in which elections and appointments to the Church of England Pensions Board are to be conducted and in which the chairman of the Board is to be chosen;
  - (h) the period for which the chairman and other members of that Board are to hold office, the removal from office of members of that Board and the filling of casual vacancies in the membership of that Board;
  - (i) the appointment by that Board of committees and the delegation of any of the Board's functions to such committees;
  - (j) any matter incidental or supplementary to the matters mentioned in paragraphs (a) to (i) above.”;
- (b) in subsection (2) for the words “1961 to 1988” there shall be substituted the words “1961 to 1997”;
  - (c) in subsection (3) after the words “1967” there shall be inserted the words “, sections 3 to 7 (excluding section 4(4)(e)) of the Pensions Measure 1997”;
  - (d) in subsection (4) after the word “Commissioners” there shall be inserted the words “ in so far as they relate to the past service scheme ”.

*Deaconesses and Lay Workers (Pensions) Measure 1980*

- 18 In section 1(1) of the <sup>M5</sup>Deaconesses and Lay Workers (Pensions) Measure 1980—
- (a) in paragraph (a) after the word “widowers” there shall be inserted the words “, being pensions paid or payable under the past service scheme (within the meaning assigned to that expression by the Pensions Measure 1997) or in respect of service which ended before 1st December 1988”;
  - (b) in paragraph (b) after the word “payable” there shall be inserted the words “ under that scheme ”.

**Marginal Citations**

**M5** 1980 No. 1.

**PART II**

AMENDMENTS TO INSTRUMENTS

*Church of England Pensions Regulations 1988*

- 19 The <sup>M6</sup>Church of England Pensions Regulations 1988 shall have effect subject to the following amendments.

**Marginal Citations**

**M6** S.I. 1988 No. 2256.

- 20 In regulation 2—

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- (a) in paragraph (1)—
- (i) in the definition of “actuary” for the words from “employed” to the end of the definition there shall be substituted the words “, not being a Church Commissioner or a member of the Board or a member of the staff of the Commissioners or the Board, and includes a firm of actuaries”;
- (ii) after the definition of “the 1961 Measure” there shall be inserted the following definition—
- ““past service scheme” has the meaning assigned to that expression by the Pensions Measure 1997”;
- (b) at the end there shall be inserted the following paragraph—
- “(5) These regulations shall have effect subject to the provisions of the Pensions Measure 1997.”.
- 21 In regulation 4(1) for the word “Commissioners” there shall be substituted the word “ Board ”.
- 22 In regulation 6(2)—
- (a) for the word “Commissioners” there shall be substituted the word “ Board ”;
- (b) for the word “Board” there shall be substituted the word “ Commissioners ”.
- 23 In regulation 8 for the word “Commissioners” in both places where it appears there shall in each case be substituted the word “ Board ”.
- 24 In regulation 12—
- (a) in paragraph (3) for the word “Commissioners” there shall be substituted the word “ Board ”;
- (b) in paragraph (7) for the word “Commissioners” in the first place where it appears there shall be substituted the word “ Board ”.
- 25 In regulation 16(3)—
- (a) for the word “Commissioners” there shall be substituted the word “ Board ”;
- (b) for the word “Board” there shall be substituted the word “ Commissioners ”.
- 26 For the words “principal scheme” wherever they appear in regulations 2(1) (in the definition of “pensionable service”), 5(2), 19(1), 20(1), 22, 25 and 28 there shall be substituted in each case the words “ past service scheme ”.

*Church of England Pensions (Lump Sum Payments) Rules 1988*

- 27 The Church of England Pensions (Lump Sum Payments) Rules 1988 shall have effect subject to the following amendments.
- 28 After rule 1 there shall be inserted the following rule—
- “1A These Rules shall have effect subject to the provisions of the Pensions Measure 1997.”.
- 29 For the word “Commissioners” wherever it appears in rules 4(1) and (2) and 5(1) and (2) there shall in each case be substituted the word “ Board ”.
- 30 In rule 6 for the word “Commissioners” in the first place where it appears there shall be substituted the word “ Board ”.
- 31 In rule 7—

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- (a) for the words “section 4(3) of the 1961 Measure” there shall be substituted the words “regulation 9(2) of the Church of England Pensions Regulations 1988”;
- (b) for the word “Commissioners” there shall be substituted the word “Board”.
- 32 In rule 9 for the words from the beginning to “Board” there shall be substituted the words “The Board may, with the agreement of the Commissioners”.
- 33 In rule 10(2)(a) for the words “section 2(4) of the 1961 Measure” there shall be substituted the words “regulation 8 of the Church of England Pensions Regulations 1988”.

## SCHEDULE 2

Section 10(2).

### REPEALS AND REVOCATIONS

#### PART I

##### REPEALS

Chapter	Short title	Extent of repeal
1961 No. 3.	Clergy Pensions Measure 1961.	In section 21, subsections (4) to (8). Section 23. Section 33. Section 40A. In section 46, in subsection (1) the definition of “principal scheme”.
1967 No. 1.	Clergy Pensions (Amendment) Measure 1967.	In section 3, subsection (A).
1988 No. 4.	Church of England (Pensions Measure) 1988.	Section 17.

#### PART II

##### REVOCATIONS

Number	Title	Extent of revocation
1988 No. 2256.	Church of England Pensions Regulations 1988.	In regulation 2, in paragraph (1) the definition of “principal scheme”. In regulation 6, in paragraph (3) the words

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“request the “Commissioners to”.

In regulation 12, in paragraph (2) the words “request the Commissioners to” and in paragraph (7) the words “by the Commissioners”.

In regulation 29, in paragraph (1) the words “the Commissioners or” and “, as the case may be,”.

In regulation 30, in paragraph (1) the words “, or may authorise the Commissioners to pay,”.

Church of England Pensions (Lump Sum Payments) Rules 1988. In rule 2(a), the definition of “maximum lump sum death payment”.

Rule 10.

Rule 11.

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