Church of England (Pensions) Measure 2003

2003 No. 2

A Measure passed by the General Synod of the Church of England to make provision for a General Purposes Fund of the Church of England Pensions Board and to amend the Clergy Pensions Measure 1961 and the Pensions Measure 1977; and for connected purposes. [6th March 2003]

1 General Purposes Fund

(1) The Church of England Pensions Board shall continue to administer the General Purposes Fund established by resolution of the Board on 17th September 1975.

(2) The Board shall pay into the General Purposes Fund any testamentary or other gifts made to the Board—

(a) for the relief of poverty in the case of any retired clerk or church worker;

(b) for the relief of poverty in the case of any widow, widower, former spouse, **[**[F1]surviving civil partner or former civil partner,**]** child or dependant of a deceased clerk or church worker;

(c) for the provision, maintenance or management of homes of residence for retired clerks and church workers and their spouses or former spouses **[**[F2]or civil partners or former civil partners**]**; and

(d) for the provision, maintenance or management of homes of residence for the widows, widowers, former spouses**[**[F3], surviving civil partners, former civil partners**]** and dependants of deceased clerks or church workers.

(3) The reference to the provision of homes of residence in subsection (2)(c) and (d) above shall include reference to the making of loans under section 26(3A) of the Clergy Pensions Measure 1961 (1961 No. 3) ("the 1961 Measure").

(4) Subject to any conditions imposed by the testators or other donors and to section 2(3) and (4) below, the Board may at their discretion apply the Fund or any part thereof for any of the purposes set out in subsection (2) above and may borrow money on the

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Changes to legislation: *There are currently no known outstanding effects for the Church of England (Pensions) Measure 2003 (repealed). (See end of Document for details)*

security of the assets of the Fund in order to defray expenditure incurred for any of those purposes.

(5) The purposes set out in subsection (2) above shall replace the purposes for which the Fund was held immediately before the date of the coming into force of this section.

Textual Amendments

F1 Words in s. 1(2)(b) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **91(1)(a)**

F2 Words in s. 1(2)(c) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **91(1)(b)**

F3 Words in s. 1(2)(d) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **91(1)(c)**

Commencement Information

I1 S. 1 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

2 Dissolution of Pensions Augmentation Funds

(1) The Clergy Pensions Augmentation Fund, the Clergy (Widows and Dependants) Pensions Augmentation Fund and the Church Workers Pensions Augmentation Fund established or administered, respectively, under sections 19, 20 and 28 of the 1961 Measure shall be dissolved and any sums held in those Funds on the date of the coming into force of this section shall be transferred to the General Purposes Fund and may, subject to subsections (3) and (4) below, be applied in accordance with section 1(4) above.

(2) Any sums which, whether before or after the coming into force of this section, purport or have purported to be donated by a testator or other donor to the Clergy Pensions Augmentation Fund, the Clergy (Widows and Dependants) Pensions Augmentation Fund or the Church Workers Pensions Augmentation Fund shall be deemed instead to be donated to the General Purposes Fund and may be applied in accordance with section 1(4) above.

(3) The Board shall pay into a separate account of the General Purposes Fund any sums received from a diocese for the relief of poverty in the case of any widow, widower, former spouse**[**[F4], surviving civil partner, former civil partner**]** or dependant of a deceased clerk (including sums received under section 20(2) of the 1961 Measure) and the Board shall hold any such sums on behalf of the diocese by whom they were paid, and shall add to those sums interest, at such rate as the Board may from time to time determine, on any amount held by the Board for the diocese under this subsection for a calendar year.

(4) The Board shall pay out of the account referred to in subsection (3) above any payments required to be made by them for the purposes mentioned in that subsection by a diocese, not exceeding in aggregate the total of the sums paid to them by that diocese together with any interest payable thereon under that subsection.

(5) In section 4(4) of the Clergy Pensions (Amendment) Measure 1967, for the words “section 26(4) and section 28 of the principal Measure” there shall be substituted the words “ section 1(4) of the Church of England (Pensions) Measure 2003. ”

Textual Amendments

F4 Words in s. 2(3) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **91(2)**

Commencement Information

I2 S. 2 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

3 Extension of powers of Church of England Pensions Board to provide residences

In section 26 of the Clergy Pensions Measure 1961 (1961 No. 3)—

(a) in subsection (1)(a) after the word "spouses" there shall be inserted the words " or former spouses ";

(b) in subsection 1(b) after the word "widowers" there shall be inserted the words " , former spouses ";

(c) in subsection (3A)(b) after the word "widower" there shall be inserted the words " or former spouse ";

(d) in subsection (3A) after the word "instead" there shall be inserted the words " or in addition "; and

(e) in subsection (3A) after the word "spouse" there shall be inserted the words " or former spouse ".

Commencement Information

I3 S. 3 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

4 Pension payments in respect of dispossessed clerks

In section 4(4) of the Pensions Measure 1997 (1997 No. 1) after paragraph (b) there shall be inserted the following paragraph—

"(bb) in the case of a scheme member in receipt of periodical payments under section 13 of and paragraph 2 of Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977 (1977 No. 1) or compensation under section 26 of and Schedule 4 to the Pastoral Measure 1983 (1983 No. 1), the Diocesan Board of Finance of the diocese concerned;".

Commencement Information

I4 S. 4 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

5 Extension of powers of Church Commissioners to spend capital

For section 7 of the Pensions Measure 1997 (1997 No. 1) there shall be substituted the following section—

"**7 Application of capital**

(1) The Commissioners may, within the period expiring with 31st December 2004, apply capital funds for the purpose of meeting the cost of any grant made under section 6 above.

(2) The Commissioners may, within the period expiring with 31st December 2011, apply capital funds for the purpose of meeting the cost of—

(a) any pension or lump sum due to be paid under the past service scheme; or

(b) any pension or lump sum payment payable under the Church Commissioners Superannuation Scheme insofar as it is attributable to a period of service before the appointed day.

(3) In this section "capital funds" means funds held by the Commissioners, the income from which forms part of the Commissioners general fund.".

Commencement Information

I5 S. 5 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

6 Repeals

The enactments specified in the Schedule to this Measure are hereby repealed to the extent specified in the second column of the Schedule.

Commencement Information

I6 S. 6 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

7 Citation, interpretation, commencement and extent

(1) This Measure may be cited as the Church of England (Pensions) Measure 2003 and this Measure may be cited with the Church of England (Pensions) Measures 1961 to 1997 as the Church of England (Pensions) Measures 1961 to 2003.

(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 Channel Islands, but the provisions thereof may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.

(4) This Measure shall be construed as one with the Clergy Pensions Measure 1961 (1961 No. 3).

Commencement Information

I7 S. 7 in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

Status: *Point in time view as at 05/12/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Pensions) Measure 2003 (repealed). (See end of Document for details)*

SCHEDULE

REPEALS

Commencement Information

I8 Sch. in force at 1.5.2003 by 2003 No. 1, Instrument made by Archbishops

Short title and chapter	*Extent of repeal*
Clergy Pensions Measure 1961 (No. 3)	Section 19. Section 20. In Section 26, subsection (4).
Clergy Pensions (Amendment) Measure 1982 (No. 2)	Section 28. In Section 2, subsection (2). In Section 12, subsection (3).
Church of England (Pensions) Measure 1988 (No. 4)	In Schedule 2, paragraphs 8 and 11.

Status:
Point in time view as at 05/12/2005.

Changes to legislation:
There are currently no known outstanding effects for the Church of England (Pensions) Measure 2003 (repealed).