



# Church of England Pensions Measure 2018

2018 No. 9

## PART 3

### THE PAST SERVICE SCHEME

#### *Contracted-out employment*

#### **27      Guaranteed minimum pension**

- (1) This section overrides the preceding provisions of this Part (other than section 26) in so far as they would apply to service by a member of the past service scheme in employment which was contracted-out by reference to the scheme.
- (2) If the member has a guaranteed minimum under section 14 of the Pension Schemes Act 1993 in respect of the contracted-out service, the weekly rate of the pension in respect of that service must—
  - (a) on the date on which the member reaches the state pensionable age, be at least the member's guaranteed minimum;
  - (b) if the member dies leaving a surviving spouse or civil partner, be at least half that guaranteed minimum.
- (3) If the member has not performed a qualifying period of pensionable service, the weekly rate of the pension in respect of the contracted-out service is—
  - (a) on the date on which the member reaches the state pensionable age, equal to the member's guaranteed minimum;
  - (b) if the member dies leaving a spouse or civil partner, equal to half that guaranteed minimum.
- (4) “Weekly rate”, in relation to a pension paid otherwise than at weekly intervals, means a rate equivalent to the guaranteed minimum of the member in question, with regard being had to the period in respect of which the pension is paid.

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*Changes to legislation:* There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Cross Heading: Contracted-out employment. (See end of Document for details)

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- (5) A reference to a member's guaranteed minimum, so far as attributable to earnings after 5 April 1988, is a reference to that minimum as increased in accordance with Chapter 2 of Part 5 of the Pension Schemes Act 1993.

#### Commencement Information

**II** [S. 27](#) in force at 1.3.2019 by [S.I. 2019/98](#), [art. 2](#)

## 28 Commencement, postponement, suspension and discontinuation of pension

- (1) Where a member of the past service scheme retires, having performed a qualifying period of pensionable service in employment which was contracted-out by reference to the scheme, the pension under the preceding provisions of this Part in respect of that period of service commences on the earlier of—
  - (a) the date when the member reaches state pensionable age, and
  - (b) the date when the member becomes entitled under section 16 to receive the pension.
- (2) But if, in a case where the pension would begin on the date when the member reaches state pensionable age, the member continues in pensionable service after that date, the commencement of the pension is postponed to the end of the period of continued service.
- (3) The payment of the part of the pension which consists of the member's guaranteed minimum may not be postponed under subsection (2) beyond the end of five years from the date on which the member reaches state pensionable age, unless the member consents to the postponement.
- (4) Where the commencement of the member's guaranteed minimum pension is postponed under subsection (2) or suspended under section 21, it increases in accordance with section 15 of the Pension Schemes Act 1993, despite (in the case of a suspension) section 21(3) to (5).
- (5) Where the member satisfies the first or second condition, the commencement of the pension is postponed to—
  - (a) the date on which the member reaches the retiring age, or
  - (b) if the member so consents, the date on which the pension would commence but for this subsection.
- (6) The first condition is that the member is a clerk deemed under section 14 of the Incumbents (Vacation of Benefices) Measure 1977 to have become incapable through infirmity of performing the duties of the office.
- (7) The second condition is that the member—
  - (a) ceases, or has already ceased, to perform pensionable service before reaching the retiring age and without receiving a pension under the past service scheme, and
  - (b) after ceasing to perform pensionable service but before reaching the retiring age, satisfies the Board that he or she has become incapable through infirmity of performing pensionable service.

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**Changes to legislation:** *There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Cross Heading: Contracted-out employment. (See end of Document for details)*

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- (8) Where, after the termination of service in employment which was contracted-out by reference to the past service scheme, a member of the scheme dies leaving a surviving spouse or civil partner, the Board may exercise its power under section 22(5) only so as to discontinue payment of the amount (if any) by which the survivor's pension exceeds his or her guaranteed minimum.

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**Commencement Information**

**I2**    [S. 28](#) in force at 1.3.2019 by [S.I. 2019/98](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Cross Heading: Contracted-out employment.