



# Church of England Pensions Measure 2018

2018 No. 9

## PART 5

MISCELLANEOUS

VALID FROM 01/03/2019

### *Regulations*

#### **53 Power to make further provision by regulations**

- (1) Regulations may make further or different provision about—
  - (a) a pension or lump sum payment for or in respect of a clerk, deaconess, licensed lay worker or church worker;
  - (b) a pension for the surviving spouse or civil partner or for a child or dependant of a clerk, deaconess, licensed lay worker or church worker;
  - (c) a residence for a retired clerk, deaconess, licensed lay worker or church worker and for his or her spouse or civil partner;
  - (d) a residence for the surviving spouse or civil partner or child or dependant of a retired clerk, deaconess, licensed lay worker or church worker.
- (2) Regulations may make further or different provision about—
  - (a) whether the chair of the Board is elected or appointed and the manner of the election or appointment;
  - (b) whether each of the other members is elected or appointed and the manner of the election or appointment;
  - (c) the period for which the chair of the Board holds office as such;
  - (d) the period for which each of the other members holds office as such;
  - (e) disqualification from membership of, or removal from, the Board;

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- (f) filling casual vacancies in the membership of the Board.
- (3) But regulations may not make provision under subsection (2) the effect of which would be that the membership of the Board did not include at least eight persons each of whom is a representative of a pension scheme administered by the Board.
- (4) Regulations may make further or different provision about—
- (a) the manner in which the amount of a contribution required under section 9(2) (the Church of England Pensions Fund) is to be determined;
  - (b) the time at which a contribution required under section 9(2) is to be paid;
  - (c) the manner in which notice is to be given as to a matter mentioned in paragraph (a) or (b);
  - (d) steps which the Board must take before making a determination under section 9(2).
- (5) Regulations under this section may confer a discretion.
- (6) Regulations under this section may include consequential, incidental, supplementary or transitional provision (including provision which amends, repeals or revokes a provision of, or of an instrument made under, a Measure (including this Measure)).
- (7) The power to make regulations under this section is exercisable by the General Synod; but the regulations must be prepared by the Board and, in so far as they relate to the past service scheme, they may not be laid before the Synod for approval without the agreement of the Church Commissioners.
- (8) Regulations under this section may not be made unless a draft of the instrument containing the regulations has been laid before the General Synod and approved by it with or without amendment.
- (9) If the Business Committee of the Synod decides that a draft of regulations under this section does not need to be debated by the Synod, the draft is to be treated as approved by the Synod without amendment unless a member of the Synod gives notice in accordance with its Standing Orders that the member—
- (a) wishes the draft regulations to be debated, or
  - (b) wishes to move an amendment to them.
- (10) The power to make regulations under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—
- (a) as if the regulations had been made when the draft was approved by the General Synod, and
  - (b) as if this Measure were an Act of Parliament providing for the regulations to be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **54 Power to amend this Measure**

- (1) Regulations under section 53 may amend, replace or repeal—
- (a) any provision in Parts 1 to 4 other than an excepted provision, or
  - (b) sections 55 to 57 (interpretation).
- (2) In Part 1 (continuation of existing arrangements), the excepted provisions are—
- (a) section 2 (existence of Board);

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- (b) in Schedule 1 (membership and functions etc. of Board), paragraphs 1(1) and 6 to 11.
- (3) In Part 2 (the funded scheme), the excepted provisions are—
- (a) in section 9 (Church of England Pensions Fund), subsections (1), (2), (3)(b) and (4) to (6);
  - (b) in section 10 (the responsible body), subsections (1), (2)(a) to (c) and (3) to (7);
  - (c) section 11 (liability of Church Commissioners);
  - (d) section 12 (administration of funded scheme).
- (4) In Part 3 (the past service scheme), the excepted provisions are—
- (a) section 31 (liability of Church Commissioners);
  - (b) section 33 (Board's functions);
  - (c) section 36 (past service scheme: determination of questions).
- (5) In Part 4 (general financial matters), the excepted provisions are—
- (a) in section 37 (General Purposes Fund), subsection (4);
  - (b) section 38 (Clergy (Widows and Dependants) Pensions Fund);
  - (c) in section 39 (schemes for church workers), subsection (6);
  - (d) section 42 (transfer of homes of residence to General Purposes Fund);
  - (e) section 43 (power of Board to make loans for residences);
  - (f) section 44 (Board's status as housing association);
  - (g) section 45 (Board's status as trustee);
  - (h) sections 47 and 48 (Board's investment powers);
  - (i) section 50 (audit);
  - (j) section 52 (miscellaneous administrative payments by Church Commissioners).

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### *Interpretation*

#### **55 References to officers and staff**

- (1) This section applies for the purposes of this Measure.
- (2) “Clerk” means a bishop, priest or deacon of the Church of England.
- (3) “Licensed lay worker” means a person who has been authorised by a bishop as a lay worker of the Church of England and—
  - (a) is authorised to serve as such by a licence, or
  - (b) if the person was a member of the workers' fund on 1 December 1988, is authorised to serve as such whether by licence or otherwise.
- (4) “Church worker” means a person, other than a clerk, who is or has been employed in spiritual or temporal work in connection with the Church of England.

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## **56 References to spouses, children, etc.**

- (1) This section applies for the purposes of this Measure.
- (2) A reference to a spouse includes a reference to a person married to somebody of the same sex; and references to marriage are to be construed accordingly.
- (3) A reference to the surviving spouse or civil partner of a deceased person is a reference to the person who was the spouse or civil partner of the deceased at the time of death.
- (4) “Child”, in relation to a person, includes—
  - (a) a step-child of that person, and
  - (b) a child of that person's civil partner.
- (5) “Dependant”, in any given case, has whatever meaning the Board may determine, having regard to all the circumstances.

## **57 References to pension schemes etc.**

- (1) This section applies for the purposes of this Measure.
- (2) “Funded scheme”, “past service scheme”, “workers' fund”, “administrators' fund” and “widows and dependants fund” each have the meaning given in section 1.
- (3) “The Board” has the meaning given in section 2.
- (4) “Pensionable service”, “qualifying period of pensionable service” and “approved scheme” each have the meaning given in section 3.
- (5) “Stipendiary ecclesiastical service” has the meaning given in section 4.
- (6) “Retiring age” has the meaning given in section 14.
- (7) “Actuary” means a Fellow of the Institute and Faculty of Actuaries who is not one of the Church Commissioners or a member of the Commissioners' staff or a member of the Board or a member of its staff; and a reference to an actuary includes a reference to a firm of actuaries.

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### *Ancillary provisions*

## **58 Consequential provision**

Schedule 3 (which contains consequential amendments) has effect.

## **59 Transitional and saving provision**

Schedule 4 (which contains transitional and saving provisions) has effect.

## **60 Repeals and revocations**

Schedule 5 (which contains repeals and revocations) has effect.

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### *Final provisions*

#### **61 Commencement**

- (1) This section and sections 62 and 63 come into force on the day on which this Measure is passed.
- (2) The preceding provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.
- (3) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.
- (4) The power to make an order under subsection (2) or (3) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

#### **62 Extent and application**

- (1) This Measure extends to—
  - (a) the whole of the province of Canterbury, except the Channel Islands (subject to subsection (2)), and
  - (b) the whole of the province of York, including the Isle of Man.
- (2) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them.
- (3) This Measure applies to the diocese in Europe as if it were a diocese in the province of Canterbury.

#### **63 Short title**

This Measure may be cited as the Church of England Pensions Measure 2018.

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