



# Church of England Pensions Measure 2018

2018 No. 9

## PART 3

### THE PAST SERVICE SCHEME

#### *Pensions for surviving spouses etc. and children*

#### **26 Power of Board to commute pension for capital sum**

- (1) The Board may commute a pension payable under the past service scheme to a surviving spouse or civil partner or a child of a deceased member for the capital sum that is estimated to be the actuarial equivalent of the aggregate pension so payable.
- (2) Where the Board decides to exercise the power under subsection (1) in the case of a person who is aged 18 or over and capable of giving an effective discharge, it must do so by paying that person the capital sum.
- (3) Where the Board decides to exercise the power under subsection (1) in any other case, it must do so by applying the capital sum in whatever manner it thinks fit for the maintenance, education and benefit of the person entitled to the pension.
- (4) The Board may exercise the power under subsection (1) only if payment of a lump sum of an amount equal to the capital sum in question—
  - (a) would be authorised for the purposes of Part 4 of the Finance Act 2004 (taxation of pension schemes), and
  - (b) would satisfy requirements imposed by or under Part 3 of the Pension Schemes Act 1993.
- (5) The Board may deduct from a capital sum under subsection (1) an amount equal to the amount of any income tax payable by the Board in relation to the sum.

---

**Changes to legislation:** There are currently no known outstanding effects for the Church  
of England Pensions Measure 2018, Section 26. (See end of Document for details)

---

.....

**Commencement Information**

**II** [S. 26](#) 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, Section 26.