



# Church of England Pensions Measure 2018

2018 No. 9

## PART 3

### THE PAST SERVICE SCHEME

#### *Contracted-out employment*

#### **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).

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*Changes to legislation: There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Section 28. (See end of Document for details)*

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- (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.
- (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**

**II** [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, Section 28.