



Church of England Pensions Measure 2018

2018 No. 9

PART 3

THE PAST SERVICE SCHEME

General

34 Payment of pension etc.

- (1) A pension under the past service scheme is payable by monthly instalments in arrears, subject to any necessary apportionments.
- (2) The Board may, where a person entitled to a pension under the past service scheme so requests, pay part of an instalment before the end of the month; and it is up to the Board to decide the timing and the amount of the payment.
- (3) A pension under the past service scheme may not be assigned, charged or anticipated and, in the case of bankruptcy, does not pass to the trustee of the bankrupt's estate; and a purported assignment or charge is void.
- (4) But a person entitled to a pension under the past service scheme may, if aged 18 or over and of sound mind, renounce the pension or any part of it by an instrument in writing signed by the member and delivered to the Board; and on a renunciation, the pension determines in whole or part, as the case may be.
- (5) A pension payable under section 23 to a child of a deceased member of the past service scheme may be paid by the Board to—
 - (a) the parent or guardian of the child, or
 - (b) such other person under whose care or with whom the child may from time to time reside as the Board thinks fit.
- (6) The person to whom a pension is paid under subsection (5)—

Changes to legislation: There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Section 34. (See end of Document for details)

- (a) may pay the whole or part of it to the child for his or her absolute use and benefit, and
 - (b) if the whole of the pension is not paid to the child, must apply the amount not so paid towards the maintenance, education or benefit of the child in whatever manner the person thinks fit.
- (7) In subsection (5)(a), “parent”, in relation to a child, includes—
 - (a) a parent of the child who does not have parental responsibility for the child, and
 - (b) a person who is not a parent of the child but who does have parental responsibility for the child.
- (8) Where, on the retirement or death of a member of the past service scheme, any payment due to be made to the Church Commissioners in respect of the member under an agreement under section 5 is in arrears—
 - (a) no instalment of pension may be made under the agreement in respect of the member for so long as the payment remains in arrears, and
 - (b) a pension payable under the agreement is to be retained for as long as necessary and must be applied in discharging the arrears and interest calculated at 5% per annum from the date on which the payment in arrears was due.
- (9) But, where the pension is payable to the surviving spouse or civil partner, or a child or dependant of the member, the Board may waive in whole or part its right to recover the arrears from the member's estate or by retention under subsection (8).
- (10) Where instalments of pension payable to more than one person are retained under subsection (8), the burden of the retention is distributed rateably among those persons in proportion to the amount of the pensions.

Commencement Information

II [S. 34](#) in force at 1.3.2019 by [S.I. 2019/98](#), [art. 2](#)

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