



Church of England Pensions Measure 2018

2018 No. 9

PART 3

THE PAST SERVICE SCHEME

General

35 Payment of pension where person lacks capacity

- (1) This section applies where the Board is satisfied, after considering medical evidence, that a person to whom a pension is payable under the past service scheme (a “pensioner”) lacks capacity to manage and administer his or her property and affairs.
- (2) The Board may pay, or may authorise the Church Commissioners to pay, the pension or such part of it as the Board thinks fit to the institution or person having the care of the pensioner for it to be applied for his or her benefit.
- (3) The Board may pay the whole of the remainder (if any) of the pension, or such part of it as the Board thinks fit, in either or both of the following ways.
- (4) Payment may be made to or for the benefit of persons who appear to the Board to be—
 - (a) members of the pensioner's family, or
 - (b) other persons for whom the pensioner might be expected to provide if he or she did not lack capacity to manage and administer his or her property and affairs.
- (5) Payment may be made in reimbursement, with or without interest, of money applied by a person—
 - (a) in payment of the pensioner's debts (whether legally enforceable or not), or
 - (b) for the maintenance or other benefit of the pensioner or of persons mentioned in subsection (4).

Changes to legislation: There are currently no known outstanding effects for the Church of England Pensions Measure 2018, Section 35. (See end of Document for details)

- (6) A reference to lacking capacity is to be interpreted in accordance with the Mental Capacity Act 2005.

Commencement Information

II [S. 35](#) in force at 1.3.2019 by [S.I. 2019/98](#), [art. 2](#)

Changes to legislation:

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