



Clergy Pensions Measure 1961

1961 No. 39 and 10 Eliz 2

PARTS I AND II

1—16.^{F1}

Textual Amendments

F1 Pts. I, II (ss. 1–16) repealed by [S.I. 1988/2256, reg. 36, Sch. 2](#)

PART III

FINANCE AND ADMINISTRATION

Modifications etc. (not altering text)

C1 Pt. III (ss. 17–34) amended by [Clergy Pensions \(Amendment\) Measure 1972 \(No. 5, SIF 21:5\), s. 6\(3\)](#)

C2 Pt. III (ss. 17–34) extended by [Deacons \(Ordination of Women\) Measure 1986 \(No. 4, SIF 21:5\), s. 3\(1\)](#)

Financial Provisions

17 Payments out of general fund of Commissioners.

[^{F2}(1) Subject to section 7 of the Pensions Measure 1997 (which relates to the use of capital funds), all payments to be made by the Commissioners under subsection (2) below shall be made out of their general fund.

(2) The Commissioners shall pay to the Board such sums as are required by the Board for the payments to be made by them under the past service scheme.]

Status: Point in time view as at 01/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

- (3) The Commissioners shall have power to make from time to time to the Board grants out of their general fund [^{F3}or loans] of such amounts as they may think expedient [^{F3}and, in the case of any loan, on such terms as they think fit] for any purpose connected with the payment of pensions to [^{F4}retired scheme members or to the widows, widowers^{F5}, surviving civil partners] and dependants of deceased scheme members][^{F3}or with the powers of the Board under section 26 of this Measure].

Textual Amendments

- F2** S. 17(1)(2) substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 5**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F3** Words inserted by Clergy Pensions (Amendment) Measure 1982 (No. 2, SIF 21:5), **s. 1**
- F4** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3)**, 11(c)
- F5** Words in s. 17(3) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(1)**

18 Clergy (Widows and Dependants) Pensions Fund.

- (1) The Board shall continue to administer the Clergy (Widows and Dependants) Pensions Fund established under the ^{M1}Clergy Pensions Measure 1954.
- [^{F6}(2) The Board shall pay out of the said Fund all payments required to be made by them in respect of contributions or other sums received by them under section 11, 13, 14 or 15 of this Measure.]
- (3) If at any time it appears to the Board, after the valuation provided for by subsection (4) of section thirty-four of this Measure, that the Clergy (Widows and Dependants) Pensions Fund is more than sufficient to discharge the liabilities imposed on them by [^{F7}in respect of contributions or other sums received by them under section 11, 13, 14 or 15 of this Measure], the Board may direct, . . . ^{F8}, that the surplus or any part thereof be applied [^{F9}for the increase of pensions or capital sums payable in respect of those contributions or other sums].

Textual Amendments

- F6** S. 18(2) substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3)**, 18(1), **Sch. 2 para. 7(a)**
- F7** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3)**, 18(1), **Sch. 2 para. 7(b)**
- F8** Words repealed by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), **s. 12(a)**
- F9** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3)**, 18(1), **Sch. 2 para. 7(b)**

Marginal Citations

- M1** 1954 No. 4.

^{F10}19 Clergy Pensions Augmentation Fund.

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Status: Point in time view as at 01/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

Textual Amendments

F10 S. 19 repealed (1.5.2003) by [Church of England \(Pensions\) Measure 2003 \(No. 2\)](#), ss. 6, 7(2), [Schs.](#); [S.I. 2003/1](#), Instrument made by Archbishops

^{F11}20 Clergy (Widows and Dependants) Pensions Augmentation Fund.

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Textual Amendments

F11 S. 20 repealed (1.5.2003) by [Church of England \(Pensions\) Measure 2003 \(No. 2\)](#), ss. 6, 7(2), [Schs.](#); [S.I. 2003/1](#), Instrument made by Archbishops

Constitution of the Board

21 Constitution of Board.

- (1) There shall continue to be a board to be called “The Church of England Pensions Board” (in this Measure referred to as “the Board”) and the Board shall exercise and perform the functions assigned to them by this Measure.
- (2) The Board shall be a body corporate with perpetual succession and a common seal.
- [^{F12}(3) The Board shall consist of twenty members (of whom eight shall be representative of the members of the pension schemes administered by the Board) chosen in such manner, whether by election or by appointment, as may be prescribed by regulations made under section 6 of the ^{M2} Clergy Pensions (Amendment) Measure 1972.]
- ^{F13}(4)
- ^{F13}(5)
- ^{F13}(6)
- ^{F13}(7)
- ^{F13}(8)
- (9) The Board may act notwithstanding a vacancy among the members thereof.
- (10) The quorum of the Board shall be [^{F14}six, including at least two persons representing the members of the pensions schemes administered by the Board].
- [^{F15}(10A) The Board shall have power to appoint such committees and may delegate to them such functions as they think fit and persons who are not members of the Board may be appointed to any such committee.]
- (11) Subject to the foregoing provisions of this section, the Board may make standing orders regulating their own procedure.
- (12) The common seal of the Board shall be judicially noticed and shall be authenticated by the signature of the secretary or of some other officer of the Board authorised by the Board to act for that purpose.

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- (13) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Textual Amendments

- F12** S. 21(3) substituted (1.1.1998) by 1997 No. 1, s. 8(1); Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F13** S. 21(4)-(8) repealed (1.1.1998) by 1997 No. 1, s. 10(2), Sch. 2 Pt. I; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F14** Words in s. 21(10) substituted (1.1.1998) by 1997 No. 1, s. 10(1), Sch. 1 Pt. I para. 6; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F15** S. 21(10A) inserted (1.7.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), ss. 4, 13(2); S.I. 2010/2, art. 2, Sch. 1

Modifications etc. (not altering text)

- C3** S. 21(5): Functions of Standing Committee expressed to be transferred (1.1.1999) to Appointments Committee by S.I. 1998/1715, arts. 1(2)(4), 2, Sch. 1; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

Marginal Citations

- M2** 1972 No. 5.

22 Provisions as to officers and servants, and working expenses, of the Board.

- (1) Subject to the provisions of this Measure, the Board may appoint such officers and servants as may be necessary for the purpose of carrying this Measure into effect, and may determine their duties and remuneration.
- (2) The [^{F16}Board] shall defray out of [^{F17}funds administered by the Board]:—
- the salaries or other remuneration of the officers and servants of the Board, and
 - the working expenses of the Board.
- [^{F18}(3) The Commissioners may make payments to the Board out of their general fund for the purpose of meeting so much of the administrative expenses of the Board as appears to the Board to be proportionate to the work undertaken by the Board in the administration of the past-service scheme and other matters in respect of which the Commissioners have a financial interest.]

Textual Amendments

- F16** Word in s. 22(2) substituted (1.1.1998) by 1997 No. 1, s. 10(1), Sch. 1 Pt. I para. 7(a)(i); Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F17** Words in s. 22(2) substituted (1.1.1998) by 1997 No. 1, s. 10(1), Sch. 1 Pt. I para. 7(a)(ii); Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F18** S. 22(3) substituted (1.1.1998) by 1997 No. 1, s. 10(1), Sch. 1 Pt. I para. 7(b); Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

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Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

Textual Amendments

- F19** S. 23 repealed (1.1.1998) by 1997 No. 1, s. 10(2), **Sch. 2 Pt. I**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

Powers of the Board

24 General functions of the Board in relation to pensions.

The Board shall [^{F20}administer the past service scheme and the funded scheme] and for that purpose shall have power:—

- (a) to enter into agreements for the receipt and payment of actuarial equivalents of any contributions or pensions under this Measure [^{F21}or the Pensions Measure 1997]; and
- (b) to borrow money for the purposes of [^{F22}pensions or lump sum payments in respect of deceased clerks] and to secure the money [^{F23}in such manner and upon such terms and conditions as the Board think fit].

Textual Amendments

- F20** Words in s. 24 substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 8(a)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F21** Words in s. 24(a) inserted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 8(b)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F22** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 10**
- F23** Words in s. 24(b) substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 8(c)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

25 Power of Commissioners to give directions as to exercise of functions of Board.

The Commissioners may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of their functions [^{F24}in connection with the past service scheme], being directions which appear to the Commissioners to be requisite or expedient for securing a due balance between the amounts respectively of the liability imposed on their general fund by virtue of subsection (1) and subsection (2) of section seventeen of this Measure on the one hand and the resources of that fund available for meeting the liability on the other hand, and the Board shall give effect to any such directions.

Textual Amendments

- F24** Words in s. 25 inserted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 9**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

26 Powers of Board as to provision of residences.

- (1) The Board shall have power:—

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- [^{F25}(a) to provide, maintain and manage homes for the residence of retired clerks, deaconesses and licensed lay workers and the spouses[^{F26} or former spouses[^{F27} and civil partners or former civil partners]] of retired clerks, deaconesses and licensed lay workers;
- (b) to provide, maintain and manage homes for the residence of the widows, widowers[^{F28} , former spouses[^{F29}, surviving civil partners, former civil partners]] and dependants of deceased clerks, deaconesses and licensed lay workers]
- (c) to assist others in providing, maintaining or managing any such homes as are mentioned in the two last foregoing paragraphs; and
- (d) to assist others in maintaining any such persons as are mentioned in paragraphs (a) and (b) of this subsection in homes of residence for such persons and other persons.
- (e) ^{F30}

(2) For the purposes of exercising any of their powers under the last foregoing subsection the Board may:—

- (a) acquire, hold, maintain, convert or repair any land or buildings;
- (b) assist other persons in acquiring, maintaining, converting or repairing any land or buildings;
- (c) construct or improve, or assist other persons in the construction or improvement of, houses or buildings of any kind.

(3) Each of the several acts and things which the Board have power to do by virtue of the foregoing provisions of this section may be done either alone or in conjunction with other persons.

[^{F31}[^{F32}The Board shall have power to make a loan, on such terms as the Board think fit—
^{F32}(3A)]

- (a) to a clerk, deaconess or licensed lay worker who has retired or has attained the requisite age; or
- (b) to the widow or widower[^{F33} or former spouse[^{F34} or surviving civil partner or former civil partner]] of a deceased clerk, deaconess or licensed lay worker;

to assist him or her to purchase, build, rebuild or improve a dwelling-house (including a flat) in which he or she resides or is to reside, being a loan made on the security of the dwelling-house and in respect of a freehold interest or a leasehold interest the unexpired term of which is not less than sixty years; and any loan which the Board has power to make under this subsection to a person mentioned in paragraph (a) above may instead[^{F35} or in addition] be made to the spouse[^{F36} or former spouse[^{F37} or civil partner or former civil partner]] of that person.

In this subsection “the requisite age” means three years below retiring age or such other age below retiring age as the General Synod may by resolution from time to time determine in relation to the retiring age for men or in relation to the retiring age for women.]

A resolution shall not be made except on a recommendation of the Board made with the concurrence of the Commissioners and a resolution may be in accordance with, or different from, a recommendation.

[A resolution under subsection (3A) above]shall not affect a loan made by the Board
^{F38}(3B) before the resolution takes effect.]

^{F39}(4)

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- (5) Nothing in this section shall authorise the Board to acquire, hold or apply any property, whether real or personal, for any purposes other than charitable purposes.

Textual Amendments

- F25** S. 26(1)(a)(b) substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3), 12(1)(a)**
- F26** Words in s. 26(1)(a) inserted (1.5.2003) by Church of England (Pensions) Measure 2003 (No. 2), **ss. 3(a), 7(2); S.I. 2003/1**, Instrument made by Archbishops
- F27** Words in s. 26(1)(a) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(2)(a)**
- F28** Words in s. 26(1)(b) inserted (1.5.2003) by Church of England (Pensions) Measure 2003 (No. 2), **ss. 3(b), 7(2); S.I. 2003/1**, Instrument made by Archbishops
- F29** Words in s. 26(1)(b) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(2)(b)**
- F30** S. 26(1)(e) repealed by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3), 12(1)(b), 18(2), Sch. 3**
- F31** S. 26(3A) inserted by Clergy Pensions (Amendment) Measure 1982 (No. 2, SIF 21:5), **s. 2(1)**
- F32** “(3A)” and words following substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3), 12(2)(a)**
- F33** Words in s. 26(3A)(b) inserted (1.5.2003) by Church of England (Pensions) Measure 2003 (No. 2), **ss. 3(c), 7(2); S.I. 2003/1**, Instrument made by Archbishops
- F34** Words in s. 26(3A)(b) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(2)(c)**
- F35** Words in s. 26(3A) inserted (1.5.2003) by Church of England (Pensions) Measure 2003 (No. 2), **ss. 3(d), 7(2); S.I. 2003/1**, Instrument made by Archbishops
- F36** Words in s. 26(3A) inserted (1.5.2003) by Church of England (Pensions) Measure 2003 (No. 2), **ss. 3(e), 7(2); S.I. 2003/1**, Instrument made by Archbishops
- F37** Words in s. 26(3A) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(2)(d)**
- F38** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), **ss. 10(3), 12(2)(b)**
- F39** S. 26(4) repealed (1.5.2003) by Church of England (Pensions) Measure 2003 (No. 2), **ss. 6, 7(2), Schs.; S.I. 2003/1**, Instrument made by Archbishops

Modifications etc. (not altering text)

- C4** S. 26(4) explained as to assets of the Funds by Clergy Pensions (Amendment) Measure 1967 (No. 1), **s. 4(4)**
- C5** S. 26 modified (5.11.1993) by 1993 Measure No. 3, **s.2** (with s. 9(2)).

27 Power of Board to administer pensions schemes for church workers.

[^{F40}(1)] The Board shall have power to establish, administer or participate with others in the administration of pensions schemes for the benefit of church workers or [^{F41}widows, widowers, surviving civil partners] or dependants of such workers and may, in conjunction with the exercise of their said powers, acquire and hold property, whether real or personal, either alone or jointly with others.

[^{F42}(2)] A deaconess or licensed lay worker who is performing, or has performed, service which is, or is treated as, pensionable service for the purposes of this Measure shall

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not be eligible to join a scheme established or administered under this section, unless the Board at their discretion grant the deaconess or lay worker permission to do so.

- (3) The Board may at their discretion grant a clerk permission to join a scheme established or administered under this section.
- (4) A person who is a member of a scheme established or administered under this section shall be disqualified from continued membership thereof if the service performed by that person becomes service which is, or is treated as, pensionable service for the purposes of this Measure.]

Textual Amendments

- F40** “(1)” inserted by [Church of England \(Pensions\) Measure 1988 \(No. 4, SIF 21:5\)](#), **ss. 10(3)**, 13
- F41** Words in s. 27(1) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), arts. 1(1), **81(3)**
- F42** S. 27(2)–(4) substituted by [Church of England \(Pensions\) Measure 1988 \(No. 4, SIF 21:5\)](#), **ss. 10(3)**, 13 for paragraph inserted by [Clergy Pensions \(Amendment\) Measure 1982 \(No. 2, SIF 21:5\)](#), **s. 3**

^{F43}28 **Power of Board to establish Church Workers Pensions Augmentation Fund.**

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Textual Amendments

- F43** S. 28 repealed (1.5.2003) by [Church of England \(Pensions\) Measure 2003 \(No. 2\)](#), **ss. 6, 7(2)**, **Schs.**; [S.I. 2003/1](#), Instrument made by Archbishops

29 **Board to be a housing association.**

The Board shall be deemed to be a housing association within the meaning of [^{F44}section 1(1) of the Housing Associations Act 1985.]

Textual Amendments

- F44** Words substituted by [Church of England \(Pensions\) Measure 1988 \(No. 4, SIF 21:5\)](#), **ss. 10(3)**, 18(1), **Sch. 2 para. 12**

30 **Power of Board to act as trustee.**

- (1) The Board shall have power to accept a transfer of any property (whether real or personal) subject to existing charitable trusts for the benefit of retired clerks or church workers or the [^{F45}widows, widowers, surviving civil partners] or dependants of deceased clerks or church workers and to administer any such property as trustee thereof.
- (2) The Board shall also have power to act as custodian trustee, or otherwise to act as trustee for limited purposes only of any property (whether real or personal) subject to charitable trusts for the benefit of retired clerks or church workers or the [^{F45}widows, widowers, surviving civil partners] or dependants of deceased clerks or

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church workers; and subsections (1) and (2) of section four of the ^{M3}Public Trustee Act 1906 shall apply to the Board in like manner as they apply to the public trustee.

Textual Amendments

F45 Words in s. 30(1)(2) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), arts. 1(1), **81(4)**

Marginal Citations

M3 1906 c. 55.

31 Board to be a trust corporation.

The Board shall be a trust corporation for the purposes of the ^{M4}Law of Property Act 1925, the ^{M5}Settled Land Act 1925, the ^{M6}Trustee Act 1925, the ^{M7}Administration of Estates Act 1925 and [^{F46}the ^{M8}[^{F47} Senior Courts Act 1981]].

Textual Amendments

F46 Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), ss. **17(2)(a)**, 22(3)

F47 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

Marginal Citations

M4 1925 c. 20.

M5 1925 c. 18.

M6 1925 c. 19.

M7 1925 c. 23.

M8 1981 c. 54(37).

32 Investment powers of Board.

[^{F48}(1) Without prejudice to section 32A of this Measure, the Board may invest any moneys in their hands and available for investment—

- [^{F49}(a) in any investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000 (as restricted by sections 4 and 5 of that Act);]
- (b) in the acquisition of freehold land in England and Wales or of leasehold land in England and Wales of which the unexpired term at the time of acquisition is not less than sixty years, and
- (c) in any investment fund or deposit fund constituted under the Church Funds Investment Measure 1958.

(2) The Board may retain any investment given to them by way of legacy or otherwise notwithstanding that it is not an investment which the Board would have power to acquire under subsection (1) above.]

^{F50}(3)

(4) ^{F51}

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- (8) In this section, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

F52

“property” includes real or personal property of any description, but does not include any land or building used for the purposes of a home of residence under section twenty-six of this Measure;

F52

- (9)

F51

Textual Amendments

- F48** S. 32(1)(2) substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 14(a)
- F49** S. 32(1)(a) substituted (1.2.2001) by 2000 c. 29 , s. 40(1) , **Sch. 2 Pt. III para. 53(1)** (with s. 35) ; S.I. 2001/49 , **art. 2**
- F50** Words in s. 32(3) repealed (1.2.2001) by 2000 c. 29 , s. 40(1)(3) , Sch. 2 Pt. III para. 53(2) , **Sch. 4 Pt. II** (with s. 35) ; S.I. 2001/49 , **art. 2**
- F51** S. 32(4)–(7)(9)(10) repealed by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 14(c) , 18(2) , **Sch. 3**
- F52** Definitions repealed by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 14(c)

[^{F53}32A Investment of moneys comprised in certain funds.

- (1) The Board may invest any moneys comprised in a fund to which this section applies and available for investment in the purchase of any investments or property of any sort either real or personal and whether or not being investments or property authorised by the general law for the investment of trust funds, or upon loan upon the security of any property of any description or without security and may also from time to time vary such investments.
- (2) Moneys comprised in a fund to which this section applies which the Board do not think fit immediately to invest may be deposited at any bank.
- (3) In relation to land, whether freehold or leasehold, the Board may exercise all the powers of management of improvement which could be exercised by an absolute owner holding the land beneficially.
- (4) The funds to which this section applies are the Clergy (Widows and Dependants) Pensions Fund established under section 13 of the ^{M9}Clergy Pensions Measure 1954, the Church Workers Pensions Fund established under section 27 of this Measure and any other pensions fund established under a pensions scheme by the Board after the commencement of the ^{M10}Clergy Pensions (Amendment) Measure 1982, being a fund which is to be administered by the Board.]

Textual Amendments

- F53** S. 32A inserted by Clergy Pensions (Amendment) Measure 1982 (No. 2, SIF 21:5), **s. 5**

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Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

Marginal Citations

M9 1954 No.4.

M10 1982 No.2.

^{F54}**33**

Textual Amendments

F54 S. 33 repealed (1.1.1998) by 1997 No. 1, s. 10(2), **Sch. 2 Pt. I**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

Audit of accounts of pensions funds, etc.

34 Audit of accounts of pensions funds, etc .

- (1) The [^{F55}Board] shall from time to time appoint an auditor to audit the accounts of any fund or trust administered by the Board, [^{F56}and also the accounts of any moneys received by the Board from the Commissioners^{F57} . . .]
- (2) The auditor so appointed shall audit the said accounts [^{F58}annually], and make reports to the Church Assembly upon the accounts audited by him^{F59} . . .
- (3) The Board shall present annually to the Church Assembly a report with respect to any such fund or property as aforesaid.
- (4) On the thirty-first day of December, nineteen hundred and sixty-four, and [^{F60}thereafter at intervals not exceeding five years], there shall be a valuation of the Clergy (Widows and Dependants) Pensions Fund by an actuary, . . .^{F61}

Textual Amendments

F55 Words in s. 34(1) substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. Pt. I para. 10(a)(i)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

F56 Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 14**

F57 Words in s. 34(1) omitted (1.1.1998) by virtue of 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 10(a)(ii)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

F58 Word in s. 34(2) substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 10(b)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

F59 Words in s. 34(2) omitted (1.1.1998) by virtue of 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 10(b)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

F60 Words substituted by Clergy Pensions (Amendment) Measure 1972 (No. 5), **s. 5(3)**

F61 Words repealed by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), **s. 12(b)**

Status: Point in time view as at 01/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

PART IV

MISCELLANEOUS AND GENERAL

Modifications etc. (not altering text)

C6 Pt. IV (ss. 35–50) extended by [Deacons \(Ordination of Women\) Measure 1986 \(No. 4, SIF 21:5\)](#), s. 3(1)

35— **F62**
37.

Textual Amendments

F62 Ss. 35–37 repealed by [S.I. 1988/2256](#), reg. 36, [Sch. 2](#)

Miscellaneous

38 Determination of questions.

- (1) Subject to the provisions of this Measure, if any question arises:—
- (a) whether any clerk [^{F63}deaconess or licensed lay worker] is performing or has performed pensionable service,
 - (b) as to the length of the qualifying period of pensionable service performed by any [^{F64}scheme member] or the date on which the qualifying period terminated,
 - (c) whether a [^{F64}scheme member] satisfies any other conditions laid down for receipt of a pension under Part I of this Measure or the terms and conditions upon which his pension is granted or agreed to be paid,
 - (d) whether a [^{F64}scheme member] has retired or on what date he retired,
 - (e) as to the rate at which a pension is to be paid and whether any deductions are to be made therefrom in respect of arrears of contributions,
 - (f) as to the right of a [^{F64}scheme member] to a repayment of any contributions paid by him, or
 - (g) as to the rights of a widow [^{F65}widower]^{F66}, surviving civil partner, child or dependant of a [^{F64}scheme member], or of the [^{F64}scheme member] himself, under Part II of this Measure (including the question whether any person is a dependant of a [^{F64}scheme member]),
- it shall be decided by the Board at a meeting specially convened for that purpose.
- (2) Before giving a decision under this section the Board shall give the [^{F64}scheme member] or other person concerned, or his agent, an opportunity of being heard.
 - (3) Any person aggrieved by a decision of the Board under this section, may, within such limits of time and in such manner as may be laid down by Rules of Court, appeal from that decision to the High Court, and the decision of that Court on any such appeal shall be final.
 - (4) [^{F67}Part I of the Arbitration Act 1996] shall not apply to any proceedings under this section.

Status: Point in time view as at 01/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

Textual Amendments

- F63** Words inserted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 16(a)**
- F64** Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 16(b)**
- F65** Word inserted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 16(c)**
- F66** Words in s. 38(1)(g) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(5)**
- F67** Words in s. 38(4) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 15** (with s. 81(2)) ; S.I. 1996/3146, **arts. 3, 4** (with Sch. 2).

Modifications etc. (not altering text)

- C7** S. 38 amended by Clergy Pensions (Amendment) Measure 1972 (No. 5, SIF 21:5), s. **6(3)**

[^{F68}**38A Power of Board to establish additional pensions scheme for clerks.**

- (1) The Board shall have power to establish, administer or participate with others in the administration of a pensions scheme for the benefit of clerks and their widows, widowers [^{F69}, surviving civil partners] and dependants and may, in conjunction with the exercise of those powers, acquire and hold property, whether real or personal, either alone or jointly with others.
- (2) The scheme established under this section shall be supplementary to the [^{F70}the past service scheme and the funded scheme] and nothing in the scheme so established shall be taken as affecting any provisions of the [^{F71}those schemes].
- (3) The Commissioners shall have power to make out of their general fund payments of such amounts as are required by the scheme established under this section to be paid by the employer of a clerk.]

Textual Amendments

- F68** S. 38A inserted by S.I. 1988/2239, **reg. 2**
- F69** Words in s. 38A(1) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **81(6)**
- F70** Words in s. 38A(2) substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 11(a)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F71** Words in s. 38A(2) substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 11(b)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

39

^{F72}

Textual Amendments

- F72** S. 39 repealed by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(2), **Sch. 3**

Status: Point in time view as at 01/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

40 Diocesan widows and dependants committees.

- (1) In every diocese the diocesan board of finance shall appoint a diocesan widows and dependants committee, which may include representatives of charities of which [^{F73}widows, widowers, surviving civil partners] and dependants of deceased clerks, deaconesses or licensed lay workers of the diocese are beneficiaries.
- (2) A diocesan widows and dependants committee shall watch over the interests of the [^{F73}widows, widowers, surviving civil partners] and dependants of deceased clerks, deaconesses or licensed lay workers of the diocese for which the committee is appointed.
- (3) In every diocese the diocesan board of finance shall appoint an officer or officers whose duty it shall be:—
 - (a) to bring before the diocesan widows and dependants committee information as to the circumstances of [^{F73}widows, widowers, surviving civil partners] and dependants of deceased clerks, deaconesses or licensed lay workers of the diocese and to make any proper representations on their behalf to the committee, and
 - (b) to inform those [^{F73}widows, widowers, surviving civil partners] and dependants of their rights under this Measure and of any action taken or proposed to be taken by the committee on their behalf.

.....

Textual Amendments

F73 Words in s. 40 substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), arts. 1(1), **81(7)**

^{F74}**40A**

.....

Textual Amendments

F74 S. 40A repealed (1.1.1998) by [1997 No. 1, s. 10\(2\), Sch. 2 Pt. I](#); [Instrument dated 28.11.1997 made by Archbishops of Canterbury and York](#)

41— ^{F75}
43.

.....

Textual Amendments

F75 Ss. 41–43 repealed by [S.I. 1988/2256, reg. 36, Sch. 2](#)

44 Alteration of rates of interest.

Any rate of interest specified in any provision of this Measure, [^{F76}or of regulations made under section 6 of the Clergy Pensions (Amendment) Measure 1972], may be altered by the [^{F77}Board to such other rate as the Board] with the advice of an actuary and the approval of the Church Assembly given by resolution may from time to time determine.

Status: Point in time view as at 01/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

Textual Amendments

- F76 Words substituted by [S.I. 1988/2256, reg. 34\(2\)](#)
- F77 Words in s. 44 substituted (1.1.1998) by 1997 No. 1, s. 10(1), [Sch. 1 Pt. I para. 12](#); Instrument dated 28.11.1997 made by [Archbishops of Canterbury and York](#)

Modifications etc. (not altering text)

- C8 S. 44 amended by [Clergy Pensions \(Amendment\) Measure 1972 \(No. 5\), s. 5\(4\)](#)

45 F78

Textual Amendments

- F78 S. 45 repealed by [S.I. 1988/2256, reg. 36, Sch. 2](#)

46 Interpretation.

(1) In this Measure, except where the context otherwise requires, the following expressions have the meanings thereby assigned to them respectively, that is to say:—

“actuary” means a Fellow of the Institution of Actuaries or of the Faculty of Actuaries in Scotland [F79, not being a Church Commissioner or a member of the Board or a member of the staff of the Commissioners or the Board, and includes a firm of actuaries];

F80

“the Board” means the Church of England Pensions Board;

“child” includes a step-child and an adopted child;

“church worker” means any person (other than a clerk) who is or has been employed in spiritual or temporal work in connection with the Church of England;

[F81 “ clerk ” means any bishop, priest or deacon of the Church of England;]

“the Commissioners” means the Church Commissioners;

“dependant” shall have such meaning for the purposes of this Measure as the Board may determine for the purposes of each case having regard to all the circumstances;

“diocesan bishop” means the bishop of any diocesan bishopric in England, whether created before or after the passing of this Measure, including the bishopric of Sodor and Man;

“ecclesiastical service” means service rendered under the direction of a diocesan bishop or carried on in furtherance of the spiritual or administrative work of the Church of England and recognised as such by a diocesan bishop;

[F82 “ funded scheme ” has the meaning assigned to that expression by the Pensions Measure 1997]

F83

[F84 “ licensed lay worker ” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been authorised by a bishop by licence to serve as such a worker, and includes a person who has been so admitted and has been so authorised otherwise than by licence if

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on the date on which section 1 of the Church of England (Pensions) Measure 1988 comes into force he was a member of the Church Workers Pension Fund]

[^{F85} “ past service scheme ” has the meaning assigned to that expression by the Pensions Measure 1997;]

“pensionable service” has the meaning assigned to it by section one of this Measure;

^{F86}[^{F87} . . .]

“qualifying period of pensionable service” has the meaning assigned to it by the said section one;

[^{F88} “ retiring age ” means in the case of a man the age of 65 years or such earlier age as the General Synod may by resolution from time to time determine and in the case of a woman the age of 60 years or such other age as the General Synod may so determine;]

[^{F89} “ scheme member ” means a clerk, deaconess or licensed lay worker, 1]

“stipend” includes salary and other emoluments;

^{F90}

- (2) References in this Measure to any Act or Measure shall be construed as references to that Act or Measure as amended by any subsequent Act or Measure.

Textual Amendments

- F79** S. 46(1): Words in definition of “actuary” substituted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 13(a)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F80** Definitions repealed by S.I. 1988/2256, reg. 36, **Sch. 2**
- F81** Definition substituted for definitions of “clerk” and “clerk in Holy Orders” by S.I. 1988/2256, **reg. 34(3)(a)** (the definition of “clerk” inserted as provided by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 20(a)**)
- F82** S. 46(1): Definition of “funded scheme” inserted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 13(b)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F83** Definition repealed by S.I. 1988/2256, reg. 36, **Sch. 2**
- F84** Definition inserted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 20(b)**
- F85** S. 46(1): Definition of “past service scheme” inserted (1.1.1998) by 1997 No. 1, s. 10(1), **Sch. 1 Pt. I para. 13(c)**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F86** S. 46(1): Definition of “principal scheme” repealed (1.1.1998) by 1997 No. 1, s. 10(2), **Sch. 2 Pt. I**; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F87** Definition inserted by S.I. 1988/2239, **reg. 3**
- F88** Definition substituted by Deacons (Ordination of Women) Measure 1986 (No. 4, SIF 21:5), s. 3(3), **Sch. para. 4**
- F89** Definition inserted as provided by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5), ss. 10(3), 18(1), **Sch. 2 para. 20(c)** and substituted by S.I. 1988/2256, **reg. 34(3)(b)**
- F90** Definition repealed by S.I. 1988/2256, reg. 36, **Sch. 2**

Modifications etc. (not altering text)

- C9** S. 46 amended by Deacons (Ordination of Women) Measure 1986 (No. 4, SIF 21:5), s. 3(2)

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Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

47 Consequential amendments of Measures

The Measures specified in the first column of the Second Schedule to this Measure shall have effect subject to the amendments specified in the second column of that Schedule, being amendments required in consequence of the passing of this Measure.

Modifications etc. (not altering text)

C10 The text of s. 47 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

48 Repeals and consequential savings.

- (1) ^{F91}
- (2) Any application, claim, payment, agreement, arrangement, determination, order or Rules of Court made, or having effect as if made, direction, decision or notice given, or having effect as if given, or other thing done under any Act or Measure repealed by this Measure shall, if in force immediately before the passing of this Measure, continue in force and be deemed to have been made, given or done under the corresponding provisions of this Measure.
- (3) Where any clerk has before the passing of this Measure performed a period of pensionable service as defined in section twenty-nine of the ^{M11}Clergy Pensions Measure 1948 as amended by section fifteen of the ^{M12}Clergy Pensions Measure 1954 that service shall be deemed to be pensionable service for the purposes of this Measure.
- (4) The repeal of any Act or Measure by this Measure shall not affect any pension which has become payable under that Act or Measure before the passing of this Measure and, subject to the provisions of this Measure, any such pension shall continue to be payable in accordance with the provisions repealed by this Measure for the period for which it would have been payable if this Measure had not been passed.
- (5) Any person who immediately before the passing of this Measure is holding any office by virtue of a Measure repealed by this Measure shall continue to hold his office as if he had been appointed or elected to that office under the corresponding provision of this Measure.
- (6) Where a period of time specified in any Measure repealed by this Measure is current at the passing of this Measure, this Measure shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (7) Any Act, Measure or document referring to any Act or Measure repealed by this Measure shall be construed as referring to the corresponding provision of this Measure.
- (8) The mention of particular matters in this section shall not be taken as affecting the general application of [^{F92}sections 16(1) and 17(2)(a) of the ^{M13}Interpretation Act 1978]with regard to the effect of repeals.

Textual Amendments

F91 S. 48(1) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. V](#)

F92 Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), [ss. 22\(3\), 25\(2\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions Measure 1961. (See end of Document for details)

Marginal Citations

M11 1948 No. 1.

M12 1954 No. 4.

M13 1978 c. 30(115:1).

49 Extent.

This Measure shall extend to:—

- (a) the whole of the Province of Canterbury with the exception of the Channel Islands;
- (b) the whole of the Province of York, including the Isle of Man; and
- (c) the collegiate churches of Westminster and Windsor:

Provided that this Measure may be applied to the Channel Islands as defined in the ^{M14}Channel Islands (Church Legislation) Measures 1931 and ^{M15}1957 or either of them, in accordance with the provisions of those Measures.

Marginal Citations

M14 1931 No. 4.

M15 1957 No. 1.

50 Short title.

This Measure may be cited as the Clergy Pensions Measure 1961.

Status:

Point in time view as at 01/07/2010.

Changes to legislation:

There are currently no known outstanding effects for the Clergy Pensions Measure 1961.