
STATUTORY INSTRUMENTS

1997 No. 1929

ECCLESIASTICAL LAW, ENGLAND

The Church of England Pensions Regulations 1997

*Made (approved by the
General Synod) - - - 14th July 1997*

Laid before Parliament 5th August 1997

*Coming into operation in accordance with
regulation 1(1)*

In exercise of the powers conferred by section 6 of the Clergy Pensions (Amendment) Measure 1972(1) the General Synod hereby approve the following regulations:—

General

Citation, commencement and extent

1.—(1) These regulations may be cited as the Church of England Pensions Regulations 1997 and shall come into operation on the appointed day.

(2) These regulations extend to the whole of the provinces of Canterbury and York, except the Channel Islands.

Interpretation

2.—(1) In these regulations—

“the appointed day” has the same meaning as in the Pensions Measure 1997(2);

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

“pensionable service” has the same meaning as the Church of England Pensions Regulations 1988(3);

“responsible body” has the same meaning as in section 4 of the Pensions Measure 1997.

(2) The Interpretation Act 1978(4) shall apply for the interpretation of these regulations as it applies for the interpretation of Measures passed by the General Synod.

(1) 1972 No. 5
(2) 1972 No. 1.
(3) S.I. 1988/2256.
(4) 1978 c. 30.

Church of England Pensions Board

Constitution of Board

3. The Church of England Pensions Board (hereinafter referred to as “the Board”) shall consist of a chairman appointed, with the approval of the General Synod, by the Archbishops of Canterbury and York acting jointly and nineteen other members chosen in accordance with the following provisions of these regulations.

Nomination by pension scheme members

4. Eight persons, being pensionable service or in receipt of a pension, shall be chosen as follows—
- (a) one person in Episcopal Orders, being a member of the Church of England Pensions Scheme or the Church of England Funded Pensions Scheme, shall be elected by the House of Bishops of the General Synod;
 - (b) four persons not in Episcopal Orders, being members of either of those Schemes, shall be elected by the House of Clergy of the General Synod;
 - (c) two persons shall be elected by the members of the Church Workers Pension Fund from among their number;
 - (d) one person shall be elected by the members of the Church Administrators Pension Fund from among their number.

Other nominations

- 5.—(1) Six persons shall be elected by the House of Laity of the General Synod.
- (2) Two persons shall be elected, under arrangements approved by the Archbishops of Canterbury and York acting jointly, by the employers participating in the Church Workers Pension Fund or the Church Administrators Pension Fund.
- (3) One person shall be appointed by the Archbishops of Canterbury and York acting jointly.
- (4) One person shall be appointed by the Archbishops of Canterbury and York acting jointly after consultation with representatives of dioceses.
- (5) One person shall be appointed by the Church Commissioners.
- (6) In this regulation “representatives of dioceses” means persons, being officers or members of a Diocesan Board of Finance or members of the House of Clergy or the House of Laity of the General Synod elected for a diocese, chosen under arrangements approved by the Archbishops of Canterbury and York acting jointly to represent dioceses in consultations on financial matters.

Terms of office

- 6.—(1) The chairman shall serve as such for such term not exceeding six years as the General Synod may determine.
- (2) Subject to paragraph (3) below the other members shall serve as such for six years.
- (3) The terms of office of the members elected under regulation 4 or 5 above on the first occasion shall commence on the appointed day and shall cease as follows—
- (a) at the end of their second year of office, two of those elected under regulation 4(b), two of those elected under regulation 5(1), and one of those elected under regulation 5(2) (all chosen by lot) and those appointed under regulation 5(3) and (4) shall retire;

(b) at the end of their fourth year of office, the member elected under regulation 4(a), the two members elected under regulation 4(c), two of those elected under regulation 5(1) (chosen by lot) and the member appointed under regulation 5(5) shall retire.

(4) The choice of the members whose term of office is to be terminated by lot under paragraph (3) above shall be made at the first meeting of the Board after the coming into operation of these regulations.

Casual vacancies

7.—(1) A member of the Board who ceases to hold a qualification by virtue of which he became a member shall thereupon cease to be a member.

(2) Where a casual vacancy occurs in the office of chairman of the Board it shall be filled within six months.

(3) Where a casual vacancy occurs among the other members of the Board it shall be filled within six months in accordance with the preceding provisions of these regulations except that, in the case of a person whose term of office was due to expire within one year of the occurrence of the vacancy, it shall not be filled unless the Appointments Sub-Committee of the General Synod so directs.

(4) Any person appointed or elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person whose place he fills.

Supplementary provisions

8.—(1) The Standing Orders of the General Synod shall apply in relation to an election under these regulations as if the Board were a subordinate body of the Synod.

(2) A member of the Board who ceases to hold office shall, if qualified, be eligible for re-appointment or re-election.

(3) A person shall be disqualified from being a member of the Board if he is disqualified from being a trustee of any trust scheme under section 29 of the Pensions Act 1995(5) and the disqualification is not for the time being subject to a general waiver under subsection (5) of that section.

(4) A member of the Board who becomes disqualified under subsection (3) above shall cease to be a member.

Funded scheme

Determination of amount of contributions

9.—(1) Before making any determination as to the contributions to be made to the Board by responsible bodies under section 4(1) of the Pensions Measure 1997 the Board shall consult with the Archbishops of Canterbury and York and the responsible bodies.

(2) If any payment required by section 4 of that Measure is not made by a responsible body when it is due, the Board may, in determining the amount of any subsequent payment, add interest on the amount of the arrears at such rate as the Board considers appropriate.

Payment of contributions

10. The payments to be made to the Board by the responsible bodies under section 4(1) of the Pensions Measure 1997 shall be made at the end of each calendar month.

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Amendment of Church of England Pensions Regulations 1988

11. The Church of England Pensions Regulations 1988 shall have effect subject to the amendments specified in the Schedule to these Regulations.

SCHEDULE

Regulation 11

AMENDMENT OF CHURCH OF ENGLAND PENSIONS REGULATIONS 1988

1. In regulation 2(1) of the Church of England Pensions Regulations 1988 (“the 1988 Regulations”) in the definition of “state pensionable age” for the words from “means” to the end of the definition there shall be substituted the words “pensionable age determined in accordance with the rules contained in Part I of Schedule 4 to the Pensions Act 1995”.

2. In regulation 4(1)(c) of the 1988 Regulations for the word “five” there shall be substituted the word “ten”.

3. In regulation 6 of the 1988 Regulations—

(a) at the beginning there shall be inserted the following paragraph—

“(1A) The rate of any pension payable under regulation 4(1) above shall increase each year, on a date to be determined by the Board, by—

(a) the percentage which appears to the Board to be the percentage increase in the general level of prices in Great Britain during a reference period to be determined by the Board, or

(b) 5 percent,

whichever is the lower. The interval between increases shall not exceed twelve months and, if less than twelve months, the increase shall not exceed the percentage which bears the same proportion to 5 per cent as the reference period bears to a year.”;

(b) in paragraph (1) for the word “increasing” there shall be substituted the words “making additional increases in”.

4. In regulation 16 of the 1988 Regulations—

(a) at the beginning there shall be inserted the following paragraph—

“(1A) The rate of any pension payable under the preceding provisions of this Part of these Regulations shall increase each year as if the pension were a pension to which regulation 6(1A) above applies.”;

(b) in paragraph (1) for the word “increasing” there shall be substituted the words “making additional increases in”.

5. In regulation 19 of the 1988 Regulations—

(a) in paragraph (2) for the words “section 35 of the Social Security Pensions Act 1975(6)” there shall be substituted the words “section 14 of the Pension Schemes Act 1993(7)”;

(b) in paragraph (5) for the words from “section 37A” to the end there shall be substituted the words “sections 109 and 110 of the Pension Schemes Act 1993 and to the extent of any orders made under section 109”.

6. In regulation 20 of the 1988 Regulations in paragraph (5) for the words from “section 35(6)” to the end there shall be substituted the words “section 15 of the Pension Schemes Act 1993”.

7. In regulation 26 of the 1988 Regulations—

(a) in paragraph (1)

(i) for the words “Part II of Schedule 1A to the Social Security Pensions Act 1975” there shall be substituted the words “Chapter IV of Part IV of the Pension Schemes Act 1993”;

(6) 1975 c. 60.

(7) 1993 c. 48.

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- (ii) for the words “paragraph 13 of that Schedule” there shall be substituted the words “section 95 of that Act”;
 - (b) in paragraph (2) for the words “section 44A of the Social Security Pensions Act 1975” there shall be substituted the words “section 55(3) of the Pensions Schemes Act 1993”;
 - (c) in paragraph (3) for the words “section 42(2) or (3) of the Social Security Pensions Act 1975” there shall be substituted the words “section 55(2) of the Pension Schemes Act 1993”.
- 8.** In regulation 27 of the 1988 Regulations–
- (a) in paragraph (1)–
 - (i) for the words “, then if the revaluation condition is satisfied” there shall be substituted the words “and the provisions of section 83(1)(a) of the Pension Schemes Act 1993 apply, then”;
 - (ii) for the words “paragraphs 2 and 6 of Schedule 1A to the Social Security Pensions Act 1975” there shall be substituted the words “Chapter II of Part IV of that Act”;
 - (b) paragraph (2) shall be omitted.
- 9.** In Schedule 1 to the 1988 Regulations–
- (a) for paragraphs 1 and 2 there shall be substituted the following paragraphs–
 - “**1.** The rate of pension of a scheme member (not at any time having held within the area to which these regulations extend any of the offices mentioned in paragraph 2 below) who retires at or above the retiring age after having performed a qualifying period of pensionable service of 37 years or more of whole-time service shall be the full basic pension.
 - In this paragraph–
 - “full basic pension” means two-thirds of the national minimum stipend for the year previous to that in which the pension is paid;
 - “national minimum stipend”, in relation to any year, means the national minimum stipend recommended for the stipends of clergymen of incumbent status for that year in the Annual Report of the Central Stipends Authority.
 - 2.** The rate of pension of a scheme member who at any time has held any of the offices mentioned in the first column of the following table shall be based on the multiple of the full basic pension mentioned in the second column opposite that office and, if more than one such office has been held, the higher such multiple shall apply for the purposes of this paragraph.

Office	Multiple
Archbishops of Canterbury and York	2
Bishop of London	1.8
Diocesan bishop (except the Bishop of London)	1.5
Suffragan bishop, dean, provost or archdeacon.	1.25

- In this paragraph “full basic pension” has the same meaning as in paragraph 1 above.”;
- (b) in paragraph 7 for the word “five” there shall be substituted the word “ten”.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate in part to the past service pension scheme and in part to the funded scheme in respect of future service which is provided for by the Pensions Measure 1997. The Regulations also provide for the Constitution of the Pensions Board and for the term of office of its members.