

2021 No. 554

ECCLESIASTICAL LAW, ENGLAND

**The Legislative Reform (Church of England Pensions) Order
2021**

Made - - - - - *4th May 2021*

Laid before Parliament *13th May 2021*

Coming into force in accordance with articles 1(2) and (3)

The Archbishops' Council, in exercise of the powers conferred by sections 1 and 9 of the Legislative Reform Measure 2018(a) and in accordance with paragraph 12A of Schedule 1 to the National Institutions Measure 1998(b) and section 11(6) and (7) of the Church of England (Miscellaneous Provisions) Measure 2018(c), makes the following Order.

The Archbishops' Council considers that the conditions in section 2 of that Measure are (so far as relevant) satisfied.

The Archbishops' Council consulted in accordance with section 4 of that Measure and laid a draft Order and explanatory document before the General Synod in accordance with section 5 of that Measure.

In accordance with section 7 of that Measure, the draft Order has been approved by the General Synod.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Legislative Reform (Church of England Pensions) Order 2021.

(2) Articles 2 and 3 come into force on 1st July 2021.

(3) The other provisions of this Order come into force on the day after the day on which it is laid before Parliament.

(4) This Order has effect in the Isle of Man without exceptions, adaptations or modifications.

(5) In this Order, “the Pensions Measure” means the Church of England Pensions Measure 2018(d).

(a) 2018 No. 5.

(b) 1998 No. 1. Paragraph 12A of Schedule 1 was inserted by section 11(4) of the Church of England (Miscellaneous Provisions) Measure 2018.

(c) 2018 No. 7.

(d) 2018 No. 9.

Church of England Pensions Board: membership

2.—(1) In Schedule 1 to the Pensions Measure (the Board: membership), for paragraph 1 substitute—

“1.—(1) The Board has 12 members, including the chair.

(2) The chair is appointed by the Archbishops of Canterbury and York, with the approval of the General Synod.

(3) Four members are elected as follows—

(a) two are elected by and from the members of the funded scheme and the members of the past service scheme (who for this purpose constitute a single electorate), with at least one of them being a member of the House of Clergy,

(b) one is elected by and from the members of the workers’ fund, and

(c) one is elected by and from the members of the administrators’ fund.

(4) One member is elected by the employers who participate in the workers’ fund or the administrators’ fund.

(5) One member is appointed by the Archbishops of Canterbury and York after consulting the Church Commissioners and consulting persons who—

(a) are officers or members of a diocesan board of finance or are members of the House of Clergy or the House of Laity elected for a diocese, and

(b) are chosen under arrangements approved by the Archbishops of Canterbury and York to represent dioceses in consultations on financial matters.

(6) One member is appointed by the Archbishops of Canterbury and York after consulting the Chair of the House of Laity and the chair of the Appointments Committee of the Church of England.

(7) One member is appointed by the Archbishops of Canterbury and York after consulting the Prolocutors of the Convocations of Canterbury and York and the chair of the Appointments Committee of the Church of England.

(8) Three members are appointed by the Archbishops of Canterbury and York, each of them having professional expertise which, in the opinion of the Archbishops, is relevant to membership of the Board.

(9) A person is eligible to be a candidate for election under sub-paragraph (3) only if two members of the Board appointed by the chair, and the chair of the Appointments Committee of the Church of England or a person nominated by the chair of that Committee, have decided that the person has the required skills and experience.

(10) The three persons making a decision under sub-paragraph (9) must, in doing so—

(a) prepare a statement specifying the skills and experience which, in the opinion of those three persons, are required for holding the office in question,

(b) invite (in whatever form and manner those three persons consider appropriate) written applications to the Board explaining how the applicant meets the requirements specified in the statement, and

(c) assess each application by reference to the statement.

(11) The provisions of the Standing Orders of the General Synod relating to elections apply to elections to the Board, with such modifications as are necessary.

(12) The functions of the Archbishop of Canterbury and York under this paragraph are exercisable by them jointly; and the functions under this paragraph of the three persons making a decision under sub-paragraph (9) are exercisable by them jointly.”

(2) In section 53(3) of the Pensions Measure (power to amend Measure: minimum number of Board members required to be representatives of pension schemes), for “eight” substitute “four”.

(3) In paragraph 8 of Schedule 1 to that Measure (procedure), for sub-paragraph (1) substitute—

“(1) The quorum of the Board is four; and the quorum must include at least one member elected under paragraph 1(3) (representatives of pension schemes).”

Church of England Pensions Board: members’ term of office

3.—(1) In Schedule 1 to the Pensions Measure, in paragraph 2, for sub-paragraphs (1) and (2) substitute—

“(1) The chair and other members of the Board each hold office for a term of such duration as the General Synod decides; but the term must not exceed five years.

(2) A person may not hold office as a member of the Board—

- (a) for a period exceeding ten years, or
- (b) for periods which, taken together, exceed ten years.”

(2) In sub-paragraph (3) of that paragraph, omit “, unless sub-paragraph (4) applies”.

(3) Omit sub-paragraphs (4) and (5) of that paragraph.

Clergy (Widows and Dependants) Pension Fund: abolition

4.—(1) Section 38 of the Pensions Measure (Clergy (Widows and Dependants) Pension Fund) is repealed.

(2) In consequence of the repeal made by paragraph (1)—

- (a) in section 1(1) of the Pensions Measure (the pension schemes), omit paragraph (e),
- (b) in section 54(5) of that Measure (power to amend the Measure), omit paragraph (b), and
- (c) in section 57(2) of that Measure (interpretation), for ““, administrators’ fund” and “widows and dependants fund”” substitute “and “administrators’ fund””.

Audit and annual report

5.—(1) In section 50 of the Pensions Measure (audit), in subsection (2), omit paragraph (b) and the preceding “and”.

(2) For subsection (3) of that section substitute—

“(3) The Board must each year lay before the General Synod a copy of the annual report prepared for it under section 162 of the Charities Act 2011^(a) for the preceding financial year (within the meaning of that Act).”

(3) In the title to that section, after “Audit” insert “and annual report”.

Diocesan widows and dependants committee

6. Section 51 of the Pensions Measure (diocesan widows and dependants committee) is repealed.

Transitional provision

7.—(1) Each person who is serving as a member of the Church of England Pensions Board on 30th June 2021 ceases to do so at the end of that day.

(2) A person who is to cease to be a member of the Board under paragraph (1) is nevertheless eligible to become a member of the Board as it is to be constituted in accordance with the amendments to be made by article 2 (if qualified to be a member), with each member’s term of office beginning on 1st July 2021.

(a) 2011 c. 25.

(3) Time served as a member of the Board before 1st July 2021 is to count towards the period of ten years provided for in the amendments to be made by article 3.

This Order was approved by the General Synod on 23rd April 2021.

A.S. McGregor
Registrar of the General Synod

Signed on behalf of the Archbishops' Council by two authorised officers.

William Nye
Secretary General to the Archbishops' Council
David White
Deputy Director of Finance

4th May 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative Reform Measure 2018 and amends the Church of England Pensions Measure 2018.

Article 2 provides for the reconstitution of the Church of England Pensions Board, which is to take effect on 1st July 2021. The Chair is to continue to be appointed by the Archbishops of Canterbury and York, subject to the approval of the General Synod. Four members are to be elected by and from the members of the pension schemes administered by the Church of England. One member is to be elected by the employers who participate in the Church Administrators' Pension Fund or the Church Workers' Fund. One member is to be appointed by the Archbishops after consultation with the dioceses and the Church Commissioners. The remaining five members are to be appointed by the Archbishops on the basis that they have suitable skills and experience. A person is eligible to stand for election by and from the members of the pension schemes only if that person has demonstrated relevant skills and experience.

Article 2 also provides that the quorum of the Board is to be four, with at least one of those persons being a member elected by and from the members of the pension schemes.

Article 3 provides that the term of office of the Chair and other members of the Board must not exceed five years and that no member may serve for a total of more than ten years.

Article 4 repeals section 38 of the Church of England Pensions Measure on the basis that the Clergy (Widows and Dependants) Pension Fund no longer exists, having been transferred into the Church of England Funded Pension Scheme.

Article 5 removes the requirement for the auditor to report to the General Synod on the Board's audited accounts. It also replaces the requirement for the Board to present to Synod a report on its funds and trusts with a requirement for it to lay before Synod a copy of its annual report.

Article 6 removes the requirement for each diocese to have a widows and dependants committee.

Article 7 makes provision for the Board's transition from its current form to its new form under article 2. All those who are members of the Board on 30th June 2021 will cease to be such at the end of that day but will be eligible to become members of the Board in its new form, provided that they have the necessary qualifications. Each member's term of office serving on the Board in its new form is to begin on 1st July 2021. Any time that a person has already served as a member of the Board will count towards the ten-year maximum provided for under article 3.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2021/554>

ISBN 978-0-34-822329-3



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