

GENERAL SYNOD

**THE CHURCH OF ENGLAND FUNDED PENSIONS SCHEME  
(EXCLUSION OF INELIGIBLE PERSONS) (AMENDMENT) RULES 2009**

*Made by the Church of England Pensions Board*

*18<sup>th</sup> June 2009*

*Approved by the General Synod*

*\*\*\**

*Coming into force*

*in accordance with rule 1*

The Church of England Pensions Board makes the following rules for the purposes of the Church of England Funded Pensions Scheme:

1. These rules shall come into force immediately upon their approval by the General Synod.
2. After Rule 2.2 of the Rules of the Church of England Funded Pensions Scheme insert –

**“2.2A Persons who are not eligible for membership**

In spite of any other provision of these Rules:

- (a) an Ineligible Person will not be permitted to join the Scheme; and
- (b) a Member who becomes an Ineligible Person after joining the Scheme will cease to be eligible for membership of the Scheme and he or she will be treated as having left Service on ceasing to be eligible for membership of the Scheme.

For this purpose a person is an “Ineligible Person” if it would be unlawful or a breach of any applicable statutory obligation for the Trustee to accept contributions or provide benefits in respect of him or her. Without limitation:

- (i) this includes where a person is a “qualifying person” for the purposes of the Occupational Pension Schemes (Cross-border Activities) Regulations 2005 and, if the Trustee were to accept contributions in respect of the Member, it would be in breach of Section 287 of the Pensions Act 2004 (occupational pension scheme receiving contributions from European employer); and
- (ii) this includes where the Scheme has not received any authorisation or permission which would otherwise allow it to receive such contributions, provide benefits or would otherwise mean it is not in breach of obligations as referred to above (and the Trustee shall not be obliged to seek such authorisation or permission).”.

Church House, Westminster

June 2009