

DRAFT CHURCH OF ENGLAND (PENSIONS) MEASURE

ARRANGEMENT OF CLAUSES

Clauses

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CHURCH OF ENGLAND (PENSIONS) MEASURE

DRAFT OF

A MEASURE

To make provision for a General Purposes Fund of the Church of England Pensions Board; and to amend the Clergy Pensions Measure 1961 and the Pensions Measure 1997; and for connected purposes.

General Purposes Fund.

1.-(1) The Church of England Pensions Board shall continue to administer the General Purposes Fund established by resolution of the Board on 17th September 1975.

(2) The Board shall pay into the General Purposes Fund any testamentary or other gifts made to the Board-

- (a) for the relief of poverty in the case of any retired clerk or church worker;
- (b) for the relief of poverty in the case of any widow, widower, former spouse, child or dependant of a deceased clerk or church worker;
- (c) for the provision, maintenance or management of homes of residence for retired clerks and church workers and their spouses or former spouses; and
- (d) for the provision, maintenance or management of homes of residence for the widows, widowers, former spouses and dependants of deceased clerks or church workers.

1961 No. 3.

(3) The reference to the provision of homes of residence in subsection (2)(c) and (d) above shall include reference to the making of loans under section 26(3A) of the Clergy Pensions Measure 1961 (“the 1961 Measure”).

(4) Subject to any conditions imposed by the testators or other donors and to section 2(3) and (4) below, the Board may at their discretion apply the Fund or any part thereof for any of the purposes set out in subsection (2) above and may borrow money on the security of the assets of the Fund in order to defray expenditure incurred for any of those purposes.

Dissolution of
Pensions Augmentation
Funds.

2.(1) The Clergy Pensions Augmentation Fund, the Clergy (Widows and Dependants) Pensions Augmentation Fund and the Church Workers Pensions Augmentation Fund established or administered, respectively, under sections 19, 20 and 28 of the 1961 Measure shall be dissolved and any sums held in those Funds on the date of the coming into force of this section shall be transferred to the General Purposes Fund and may, subject to subsections (3) and (4) below, be applied in accordance with section 1(4) above.

(2) Any sums which, whether before or after the coming into force of this section, purport or have purported to be donated by a testator or other donor to the Clergy Pensions Augmentation Fund, the Clergy (Widows and Dependants) Pensions Augmentation Fund or the Church Workers Pensions Augmentation Fund shall be deemed instead to be donated to the General Purposes Fund and may be applied in accordance with section 1(4) above.

(3) The Board shall pay into a separate account of the General Purposes Fund any sums received from a diocese for the relief of poverty in the case of any widow, widower, former spouse or dependant of a deceased clerk (including sums received under section 20(2) of the 1961 Measure) and the Board shall hold any such sums on behalf of the diocese by whom they were paid, and shall add to those sums interest, at such rate as the Board may from time to time determine, on any amount held by the Board for the diocese under this subsection for a calendar year.

(4) The Board shall pay out of the account referred to in subsection (3) above any payments required to be made by them for the purposes mentioned in that subsection by a diocese, not exceeding in aggregate the total of the sums paid to them by that diocese together with any interest payable thereon under that subsection.

1967 No. 1.

(5) In section 4(4) of the Clergy Pensions (Amendment) Measure 1967, for the words “under section 26(4) and section 28 of the principal Measure” there shall be substituted the words section 1(4) of the Church of England (Pensions) Measure 200-.

Extension of powers of
Church of England
Pensions Board to
provide residences.
1961No.3.

3. In section 26 of the Clergy Pensions Measure 1961-

- (a) in subsection (1)(a) after the word “spouses” there shall be inserted the words “or former spouses”;

(b) in subsection 1(b) after the word “widowers” there shall be inserted the words “or former spouse”;

(d) in subsection (3A) after the word “instead” there shall be inserted the words “or in addition”; and

(c) in subsection (3A) after the word “spouse” there shall be inserted the words “or former spouse”.

(c) in subsection (3A)(b) after the word

Pension payments in respect of dispossessed clerks.
1997 No.1.

4. In section 4(4) of the Pensions Measure 1997 after paragraph (b) there shall be inserted the following paragraph:-

“(bb) in the case of a scheme member in receipt of periodical payments under section 13 of and paragraph 2 of Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977 or compensation under section 26 of and Schedule 4 to the Pastoral Measure 1983, the Diocesan Board of Finance of the diocese concerned;”.

1977 No.1.

1983 No.1.

Extension of powers of
Church Commissioners to
spend capital.
1997 No.1.

5. For section 7 of the Pensions Measure 1997 there shall be substituted the following section:-

“7.(1) The Commissioners may, within the period expiring with 31st December 2004, apply capital funds for the purpose of meeting the cost of any grant made under section 6 above.

(2) The Commissioners may, within the period expiring with 31st December 2011 (unless that period is extended in accordance with subsection (3) or (4) below), apply capital funds for the purpose of meeting the cost of-

(a) any pension or lump sum due to be paid under the past service scheme; or

(b) any pension or lump sum payment payable under the Church Commissioners' Superannuation Scheme insofar as it is attributable to a period of service before the appointed day.

(3) The Commissioners may before the expiry of the period referred to in subsection (2) make an Order extending that period as it applies to paragraph (a) or (b) of that subsection for a further period not exceeding seven years from the coming into force of the Order.

(4) The Commissioners may make Orders further extending the period within which capital funds may be applied for the purposes specified in subsection (2)(a) or (b) above provided that the period specified in any such Order shall not exceed the period of seven years from the coming into force of the Order.

(5) Any Order made under subsection (3) or (4) above shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.

1946 c. 36.

(6) The Statutory Instruments Act 1946 shall apply to an Order approved by the General Synod under this section as if it were a statutory instrument and were made when so approved, and as if this Measure were an Act providing that any such Order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section “capital funds” means funds held by the Commissioners, the income from which forms part of the Commissioners’ general fund.”.

Repeals.

6. The enactments specified in the Schedule to this Measure are hereby repealed to the extent specified in the third column of the Schedule.

Citation, interpretation,
commencement and
extent.

7.-(1) This Measure may be cited as the Church of England (Pensions) Measure 200- and this Measure may be cited with the Church of England (Pensions) Measures 1961 to 1997 as the Church of England (Pensions) Measures 1961 to 200-.

(2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be appointed for different provisions.

(3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands, but the provisions thereof may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 in accordance with those Measures.

1961 No.3.

(4) This Measure shall be construed as one with the Clergy Pensions Measure 1961.

Section 6

SCHEDULE

Repeals

Chapter	Short Title	Extent of repeal
1961 No. 3.	Clergy Pensions Measure 1961.	Section 19. Section 20. In section 26, subsection (4). Section 28.
1982 No. 2.	Clergy Pensions (Amendment) Measure 1982.	In Section 2, subsection (2).
1988 No. 4.	Church of England (Pensions) Measure 1988.	In Section 12, subsection (3). In Schedule 2, paragraphs 8 and 11.

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