

Pensions (Pre-consolidation) Measure

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Schedule – Pre-consolidation amendments

DRAFT of a Measure to make amendments of provisions relating to Church of England pensions designed to facilitate, or which are otherwise desirable in connection with, the consolidation of the legislation on that subject.

1 Pre-consolidation amendments

The Schedule (which contains pre-consolidation amendments of provisions relating to Church of England pensions) has effect.

2 Short title, commencement and extent

- (1) This Measure may be cited as the Pensions (Pre-consolidation) Measure 2017. 5
- (2) Section 1 and the Schedule come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.
- (3) This section comes into force on the day on which this Measure is passed.
- (4) This Measure extends to— 10
 - (a) the whole of the province of Canterbury, except the Channel Islands (but see subsection (5)), and
 - (b) the whole of the province of York, including the Isle of Man.
- (5) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them. 15
- (6) The power to make an order under subsection (2) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament. 20

SCHEDULE

Section 1

PRE-CONSOLIDATION AMENDMENTS

Clergy Pensions Measure 1961

- 1 The Clergy Pensions Measure 1961 is amended as follows.
- 2 (1) After section 18 insert – 5
- “18A Clergy (Widows and Dependants) Pensions Fund: power to transfer**
- (1) The Board may transfer to the funded scheme the sum for the time being standing to the credit of the Clergy (Widows and Dependants) Pensions Fund.
- (2) The power under subsection (1) is exercisable by deed. 10
- (3) A deed executed in exercise of that power shall provide for the making of all payments that the Board would, but for the exercise of the power, be required to make under section 18(2), by requiring the Board –
- (a) to make the payments out of the funded scheme, or 15
- (b) to make arrangements for securing that alternative provision is in place for the payments to be made.”
- (2) In section 18 (duty of Pensions Board to administer Clergy (Widows and Dependants) Pensions Fund), after subsection (3) insert –
- “(4) This section is subject to section 18A.” 20
- 3 In section 22 (officers and servants of Pensions Board), in subsection (1) –
- (a) for “for the purpose of carrying this Measure into effect” substitute “for enabling the Board to carry out their functions”, and
- (b) for “their duties and remuneration” substitute “the duties and remuneration of such officers and servants”. 25
- 4 (1) In section 26 (power of Pensions Board to provide homes for retired clergy and church workers etc.), after subsection (1) insert –
- “(1A) A power under subsection (1) to provide, maintain and manage a home includes, and is to be treated as having always included, a power to provide nursing care for persons resident in that home.” 30
- (2) In subsection (2) of that section, for “the last foregoing subsection” substitute “subsection (1)”.
- 5 In section 32A (investment of moneys comprised in certain funds), for subsection (4) substitute –
- “(4) The funds to which this section applies are – 35
- (a) the funds which the Board administer, and
- (b) the funds of which the Board are trustee.”

6 **In section 34 (valuation of pension funds etc.), after subsection (4) insert –**

“(5) **The requirement imposed by subsection (4) shall cease to apply if the power under section 18A(1) is exercised.**”

7 (1) In section 38 (determination by Pensions Board of questions relating to pensions etc.), in subsection (1), omit “at a meeting specially convened for that purpose”. 5

(2) Omit subsection (3) of that section (appeal to High Court).

(3) Omit subsection (4) of that section (disapplication of Arbitration Act).

8 In section 46(1) (interpretation), for the definition of “child” substitute – 10

““child”, in relation to a person, includes –

- (a) a step-child or adopted child of that person, and
- (b) a child of that person’s civil partner;”.

Clergy Pensions (Amendment) Measure 1967

9 In section 3(2A) of the Clergy Pensions (Amendment) Measure 1967 (rules for making lump sum payments in addition to pensions: procedure in General Synod) – 15

- (a) omit paragraph (b) and the preceding “or”, and
- (b) omit “without amendment”.

Church of England Pensions Regulations 1988

10 The Church of England Pensions Regulations 1988 are amended as follows. 20

11 (1) In Part 2 (pensions for scheme members), omit regulation 11 (application for pension).

(2) In regulation 21 (commencement of scheme in case of early retirement because of infirmity), in paragraph (2), omit the words from “; and the making” to the end. 25

12 (1) In Part 3 (pensions for widows and children etc.), in regulation 18 (power of Pensions Board to commute pension for capital sum), in paragraph (1), for the words from the beginning to “the actuarial equivalent thereof” substitute “The Board shall, subject to paragraphs (1A) and (2), have power to commute a pension payable under the preceding provisions of this Part for such capital sum as is estimated to be the actuarial equivalent of the aggregate pension so payable”. 30

(2) After paragraph (1) of that regulation insert –

“(1A) The Board shall exercise the power under paragraph (1) only if payment of a lump sum of an amount equivalent to the capital sum in question – 35

- (a) would be authorised for the purposes of Part 4 of the Finance Act 2004, and
- (b) would satisfy requirements imposed by or under Part 3 of the Pension Schemes Act 1993.” 40

(3) Omit paragraph (3) of that regulation (requirement for Board to obtain consent in case where pension exceeds £50 per annum).

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| 13 | In Part 5 (reciprocal arrangements), in regulation 23 (arrangements with other Churches), in paragraph (3), for “the Archbishop of Canterbury” substitute “the Archbishops of Canterbury and York acting jointly”. | |
| 14 | In Part 6 (general provisions), in regulation 29 (payment of pensions), in paragraph (1) – | 5 |
| | (a) for the words from “quarterly instalments” to “in each year” substitute “monthly instalments in arrears”, and | |
| | (b) for “quarter” substitute “month”. | |
| 15 | In that Part, in regulation 30 (persons lacking mental capacity to manage property etc.), omit paragraphs (2) and (3) (notices to and from Court of Protection). | 10 |
| 16 | (1) In that Part, in regulation 32 (determination by Pensions Board of questions relating to pensions), in paragraph (1), omit “at a meeting specially convened for that purpose”. | |
| | (2) Omit paragraph (3) of that regulation (appeal to High Court). | 15 |
| | (3) Omit paragraph (4) of that regulation (disapplication of Arbitration Act). | |

Pensions Measure 1997

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| 17 | The Pensions Measure 1997 is amended as follows. | |
| 18 | In section 2(3) (funded scheme rules: procedure in General Synod) – | |
| | (a) omit paragraph (b) and the preceding “or”, and | 20 |
| | (b) omit “without amendment”. | |
| 19 | In section 4(4) (contributions to pensions fund: definition of “responsible body”), in paragraph (a), after “a diocesan bishop” insert “or suffragan bishop”. | |

Church of England Pensions Regulations 1997 25

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| 20 | In regulation 9(1) of the Church of England Pensions Regulations 1997 (duty of Pensions Board to consult before determining amount of contributions to funded scheme), omit “the Archbishops of Canterbury and York and”. | |
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