

GENERAL SYNOD

THE CHURCH OF ENGLAND PENSIONS (AMENDMENT) REGULATIONS 2017

Explanatory Memorandum

Summary

1. The Church of England Pensions (Amendment) Regulations 2017 (“the Amendment Regulations”) replace the existing provision for six members of the Church of England Pensions Board (“the Board”) to be elected by the House of Laity with new provision for two members of the Board to be elected by and from the House of Laity and four to be appointed by the Archbishops, after consultation with the Chair of the House of Laity and the Chair of the Appointments Committee.

Background

2. Section 6(1) of the Clergy Pensions (Amendment) Measure 1972 (“the 1972 Measure”) provides for the General Synod to make regulations to provide, among other things, for the manner in which elections and appointments to the Church of England Pensions Board are to be conducted.
3. The Church of England Pensions Regulations 1997 (“the 1997 Regulations”) were made under section 6. Regulation 5(1) of the 1997 Regulations provides that six persons are to be elected to the Board by the House of Laity of the General Synod. There is currently no requirement that any of those persons must be members of the House of Laity.
4. Regulation 6 of the 1997 Regulations provides for members to serve for terms of six years.
5. In October 2016 the Board consulted members of the General Synod on a proposal that the existing requirement of regulation 5(1) be replaced with the requirements referred to in paragraph 1 above. In the light of the responses to that consultation the Board has prepared the Amendment Regulations which it has laid before the General Synod for approval in accordance with section 6(4) of the 1972 Measure.

Detailed notes on the provisions of the Amendment Regulations

6. **Regulation 1** provides for the citation, commencement and interpretation of the Regulations.
7. **Regulation 2(1)** substitutes a new paragraph for paragraph (1) of regulation 5 of the 1997 Regulations. The effect of the substitution is to require two members of the board to be elected by the House of Laity from among its members (instead of requiring six members of the Board to be elected by the House of Laity).
8. **Regulation 2(2)** inserts a new paragraph (4A) in regulation 5 of the 1997 Regulations. The new paragraph (4A) requires four members of the Board to be appointed by the Archbishops acting jointly after consultation with the Chair¹ of the House of Laity and the Chair of the Church of England Appointments Committee.
9. **Regulation 2(3)** inserts a new paragraph (5) in regulation 6 of the 1997 Regulations. The new paragraph (5) provides that a member of the Board who is elected by the House of

¹ The regulations themselves have to refer to the “Chairman” of the House of Laity as that is the term used in the Constitution of the General Synod contained in Schedule 2 to the Synodical Government Measure 1969.

Laity under the substituted regulation 5(1) continues to serve as a member of the Board until the end of his or her six-year term even if he or she ceases to be a member of the House of Laity in the meantime.

10. **Regulation 2(4)** makes an amendment to regulation 7 of the 1997 Regulations which is consequential on the amendment made by regulation 2(3).
11. **Regulation 3(1)** makes saving provision so that the six current members of the Board who were elected by the House of Laity are not affected by the coming into force of the amendments made by regulation 2 of the Amendment Regulations. Those six members can therefore continue to serve until the end of the terms for which they were elected.
12. **Regulation 3(2)** provides for the transition from the existing provisions to the amended provisions. The existing members elected by the House of Laity were elected for six-year terms but their terms began – and therefore end – on different dates. Two are due to retire at the end of 2017, two at the end of 2019 and two at the end of 2021. Regulation 3(2) phases in the effect of the amended provisions so that the vacancies arising on the retirement of the two members at end of 2017 are filled by one elected member and one appointed member; the vacancies arising on the retirement of the two members at the end of 2019 are filled by two appointed members; and the vacancies arising on the retirement of the two members at the end of 2021 are filled by one elected member and one appointed member.
13. **Regulation 3(3) to (5)** makes provision to cover the possibility of casual vacancies arising among the members elected by the House of Laity who are due to retire, at the end, respectively, of 2017, 2019 and 2021. These provisions achieve broadly the same phasing-in effect as described above in relation to ordinary retirements.
14. **Regulation 3(6)** preserves the effect of the general provisions concerned with the filling of casual vacancies, and the term of office of a person who fills a casual vacancy, that are contained in regulation 7 of the 1997 Regulations.
15. **Regulation 3(7) and (8)** provide, respectively, for the interpretation of the expressions “elected person” and “appointed person” that are employed in regulation 3.

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