

GENERAL SYNOD

THE PENSIONS (PRE-CONSOLIDATION) ORDER 2018

Explanatory Memorandum

Background

1. A programme of work to consolidate the large body of legislation relating to Church of England Pensions is nearing completion. It is expected that the Church of England Pensions Measure – which consolidates, with corrections and minor improvements, some 36 separate enactments in a single Measure – will receive final approval at the July 2018 group of sessions.
2. The Pensions (Pre-consolidation) Measure 2018 was given Royal Assent on 10th May. That Measure made a number of amendments of substance to existing Church of England pensions legislation prior to the legislation being consolidated.
3. Since the Pensions (Pre-consolidation) Measure was given final approval by the Synod, the Pensions Board's solicitors have informed the Legal Office of the National Church Institutions of two further matters which need to be addressed by way of pre-consolidation amendments.
4. It is proposed that those two matters are dealt with under the new power contained in section 8 of the Legislative Reform Measure 2018 to make pre-consolidation amendments by Order. Accordingly, the Archbishops' Council has made the Pensions (Pre-consolidation) Order 2018 at the request of the Church of England Pensions Board and now lays it before the General Synod for approval.
5. If the Order is approved, a draft of the Church of England Pensions Measure incorporating the amendments made by the Order can be considered for final approval at the July 2018 group of sessions.

The Order

6. The first amendment made by the Order relates to provision contained in the Church of England Pensions (Lump Sum Payments) Rules 1988. Those rules currently provide that a member of the clergy past service scheme is entitled to a lump sum only if he or she retires no more than 5 years before reaching the retiring age for the past service scheme (65). This is thought to be a mistake as it is inconsistent with related provision in the regulations governing the past service scheme which allows a member to receive a pension up to 10 years before reaching that age. The Church of England Pensions Board have in practice operated the lump sum provision as if the reference were to 10 years. The proposed amendment makes the necessary correction.
7. The second amendment made by the Order is concerned with the provisions in the Church of England Pensions Regulations 1997 that set out the disqualifications from serving as a member of the Church of England Pensions Board. The 1997 Regulations do not currently provide for disqualification where a person is subject to a suspension order or a disqualification order imposed by the Pensions Regulator. The Order amends the 1997 Regulations by inserting the necessary provision.