
STATUTORY INSTRUMENTS

1988 No. 2239

ECCLESIASTICAL LAW, ENGLAND

The Clergy Pensions (Amendment) Regulations 1988

<i>Made (approved by the General Synod)</i>	- -	<i>8th November 1988 22nd December</i>
<i>Laid before Parliament</i>		<i>1988</i>
<i>Coming into force</i>	- -	<i>31 March 1989</i>

In exercise of the powers conferred by section 6 of the Clergy Pensions (Amendment) Measure 1972⁽¹⁾ the General Synod hereby approve the following regulations—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Clergy Pensions (Amendment) Regulations 1988 and shall come into operation on 31st March 1989.

(2) In these regulations “the 1961 Measure” means the Clergy Pensions Measure 1961⁽²⁾.

Power of Pensions Board to establish additional pensions scheme for clerks

2. After section 38 of the 1961 Measure there shall be inserted the following section—

“Power of Board to establish additional pensions scheme for clerks.

38A.—(1) The Board shall have power to establish, administer or participate with others in the administration of a pensions scheme for the benefit of clerks and their widows, widowers and dependants and may, in conjunction with the exercise of those powers, acquire and hold property, whether real or personal, either alone or jointly with others.

(2) The scheme established under this section shall be supplementary to the principal scheme and nothing in the scheme so established shall be taken as affecting any provisions of the principal scheme.

(3) The Commissioners shall have power to make out of their general fund payments of such amounts as are required by the scheme established under this section to be paid by the employer of a clerk.”

(1) 1972 No. 5.
(2) 1961 No. 3.

Amendment of section 46 of 1961 Measure

3. In section 46(1) of the 1961 Measure (interpretation) after the definition of “pensionable service” there shall be inserted—

““the principal scheme” means the provisions relating to pensions for clerks, deaconesses and licensed lay workers contained in regulations made under section 6 of the Clergy Pensions (Amendment) Measure 1972 and rules made under section 3 of the Clergy Pensions (Amendment) Measure 1967(3), and known as the Church of England Pensions Scheme;”.

Amendment of section 3 of Clergy Pensions (Amendment) Measure 1967

4. At the end of section 3 of the Clergy Pensions (Amendment) Measure 1967 (power to make lump sum payments) there shall be added the following subsections—

“(3) For the purposes of any rules made under this section a scheme member who—

- (a) before attaining the retiring age ceases to perform pensionable service, and
- (b) on the date on which he attains that age is neither performing such service nor in receipt of a pension in respect of such service,

shall be deemed to have retired on that date.

(4) A clerk who—

- (a) is deposed from Holy Orders, or
- (b) executes a deed of relinquishment under the Clerical Disabilities Act 1870(4),

is still a clerk for the purposes of any rules made under this section; and if at the date on which the clerk is so deposed or on which the deed is recorded in the diocesan registry under section 4 or 5 of that Act the clerk has attained the retiring age he shall be deemed to have retired on that date, and if at that date he has not attained the retiring age he shall be deemed to have retired on the date on which he attains that age.”

Revocations

5. The following enactments (being enactments which are replaced by the provisions of these regulations) are hereby revoked—

- (a) regulations 3 and 5 of the Clergy Pensions (Amendment) Regulations 1975(5);
- (b) the Clergy Pensions (Amendment) Regulations 1981(6);
- (c) paragraph 34 of Schedule 2 to the Church of England (Pensions) Measure 1988(7).

Approved by the General Synod the 8th November 1988

W. D. Pattinson
Secretary General

(3) 1967 No. 1.
(4) 1870 c. 91.
(5) S.I.1975/136.
(6) S.I. 1981/962.
(7) 1988 No.4

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations are made under section 6 of the Clergy Pensions (Amendment) Measure 1972, in preparation for the consolidation of the law relating to pensions for the clergy and church workers and for their widows, widowers and dependants in the Church of England Pensions Regulations 1988. They incorporate into the Clergy Pensions Measure 1961 and the Clergy Pensions (Amendment) Measure 1967 certain provisions at present contained in regulations which cannot appropriately be included in the consolidated Regulations.