



Clergy Pensions (Amendment) Measure 1972

1972 No. 5

A Measure passed by the General Synod of the Church of England to Amend the Clergy Pensions Measures 1961 to 1969. [9th August 1972]

Modifications etc. (not altering text)

C1 Measure extended by Diocese in [Europe Measure 1980 \(No. 2, SIF 21:1\)](#), **s. 5(1)**

1 F1

Textual Amendments

F1 [S. 1](#) revoked by [S.I. 1977/1146](#), **reg. 10(3)**

2—3. F2

Textual Amendments

F2 [Ss. 2, 3](#) repealed by [S.I. 1988/2256](#), **reg. 36**, **Sch. 2**

4 **Pensions for widows.**

(1) F3

(2) The amendments made by the preceding subsection, other than paragraph (ii) of the new proviso, shall not affect any widow who is in receipt of a pension at the passing of this Measure.

Status: Point in time view as at 05/12/2005.

Changes to legislation: There are currently no known outstanding effects for the Clergy Pensions (Amendment) Measure 1972 (repealed). (See end of Document for details)

- (3) Where directions given by virtue of section 2(1) of this Measure have effect as from a date before the passing of this Measure, and a clerk to whom the directions are or would have been applicable dies on or after the said date and before receiving the increased pension payable in accordance with the directions, he shall be deemed for the purpose of calculating his widow’s pension under the said section 10(1) of the principal Measure to have been in receipt of that increased pension at the time of his death.
- (4) F4
- (5) F5
- (6) Where a clerk dies after the passing of this Measure leaving a widow, and the clerk—
 - (a) was transferred under section 41 or section 42 of the principal Measure to the pensions scheme of any church to which section 41 applies or any authority mentioned in section 42; and
 - (b) before the transfer paid contributions under section 11 or section 14 of the principal Measure or Part II of the ^{M1}Clergy Pensions Measure 1948, not being contributions in respect of which a repayment was made by the board under section 1(4) of the ^{M2}Clergy Pensions (Amendment) Measure 1967 or the said section 14, as the case may be;
 the Board shall grant to his widow in respect of those contributions a pension at such rate as an actuary may certify to be proper.
- (7) Section 12 of the principal Measure shall have effect, in relation to any widow who at the passing of this Measure is in receipt of a pension under that section or thereafter becomes entitled thereto, with the omission of the words “so long as she remains a widow”.

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| Textual Amendments | |
| F3 | S. 4(1) repealed by S.I. 1975/136, reg. 8(5) |
| F4 | S. 4(4) repealed (with saving) by S.I. 1985/2081, regs. 3(2), 5(b) |
| F5 | S. 4(5) repealed (with saving) by S.I. 1985/2081, regs. 3(2), 5(b) |
| Marginal Citations | |
| M1 | 1948 No. 1. |
| M2 | 1967 No. 1. |

5 Minor Amendments.

- (1) F6
- (3) In section 34(4) of the principal Measure (which requires a valuation of the Clergy (Widows and Dependants) Pensions Fund to be made at the expiration of every period of five years from the 31st December 1964) for the words “at the expiration of every period of five years from that day” there shall be substituted the words “thereafter at intervals not exceeding five years”.
- (4) The power of the [^{F7}Board] under section 44 of the principal Measure to alter the rate of interest specified in any provision of the Measure shall include power, exercisable

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in accordance with that section, to determine the date as from which the altered rate is to have effect, which may be before the date of the determination.

Textual Amendments

- F6** S. 5(1)(2) repealed by S.I. 1988/2256, reg. 36, **Sch. 2**
- F7** Word in s. 5(4) substituted (1.1.1998) by 1997 No. 1, s. 10(1), Sch. 1 Pt. I paras. 15, **16**: Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

Modifications etc. (not altering text)

- C2** The text of s. 5(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

6 Power of General Synod to make further provision by regulations for clergy pensions.

[^{F8}(1) The General Synod may, by regulations approved by the Synod under this section, make further provision with respect to—

- (a) pensions and lump sum payments for or in respect of clergy and church workers;
- (b) pensions for the widows, widowers [^{F9}, surviving civil partners] and dependants of clergy and church workers;
- (c) residences for retired clergy and church workers and for the spouses [^{F10} or civil partners] of retired clergy and church workers;
- (d) residences for the widows, widowers [^{F11}, surviving civil partners] and dependants of deceased clergy and church workers;]
- [^{F12}(e) the manner in which the amount of the contributions payable under section 4(1) of the Pensions Measure 1997 is to be determined and the times at which those contributions are to be made;
- (f) the manner in which notice is to be given as to the matters referred to in paragraph (e) above;
- (g) the manner in which elections and appointments to the Church of England Pensions Board are to be conducted and in which the chairman of the Board is to be chosen;
- (h) the period for which the chairman and other members of that Board are to hold office, the removal from office of members of that Board and the filling of casual vacancies in the membership of that Board;
- (i) the appointment by that Board of committees and the delegation of any of the Board's functions to such committees;
- (j) any matter incidental or supplementary to the matters mentioned in paragraphs (a) to (i) above.]

(2) Such regulations may amend, replace and revoke any of the provisions of the [^{F13}Church of England (Pensions) Measures [^{F14}1961 to 1997]], except the provisions mentioned in the next following subsection:

Provided that regulations approved under this section for the purpose of consolidating the law relating to pensions [^{F13} and lump sum payments for or in respect of the clergy and church workers and to pensions for their widows, widowers][^{F15}, surviving civil partners] and dependants may include any such excepted provisions (other than this

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section) but neither those regulations nor any subsequent regulations shall alter the effect of any provisions so included.

[^{F16}(3) The provisions excepted from the last preceding subsection are Part III (excluding sections 26(1) to (3A), 27 and 32A) and section 38 of the principal Measure, section 4 of the Clergy Pensions (Amendment) Measure 1967 [^{F17}, sections 3 to 7 (excluding section 4(4)(e)) of the Pensions Measure 1997] and this section (“ the excepted provisions ”), together with interpretation provisions of the principal Measure so far as they relate to the excepted provisions; and any reference in the excepted provisions to any provision of the principal Measure which is amended or replaced by regulations approved under this section shall be construed as a reference to, or as including a reference to, that provision as amended or replaced by those regulations.]

[^{F18}(4) Any regulations under this section shall be prepared by the Board and, with the concurrence of the Commissioners [^{F19}in so far as they relate to the past service scheme], shall be laid before the General Synod and shall not come into force until they have been approved by the General Synod, whether with or without amendment.

(4A) Where the Standing Committee of the General Synod determines that regulations laid before the General Synod under this section do not need to be debated by the Synod then, unless—

- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the regulations to be debated, or
- (b) notice is so given by any such member that he wishes to move an amendment to the regulations ^{F20} . . . ,

the regulations shall for the purposes of this section be deemed to have been approved by the General Synod without amendment.]

(5) The ^{M3} Statutory Instruments Act 1946 shall apply to any regulations approved by the General Synod under this section as if they were a statutory instrument and were made when so approved, and as if this Measure were an Act providing that any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F8 S. 6(1) substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 16(a)

F9 Words in s. 6(1)(b) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **83(a)**

F10 Words in s. 6(1)(c) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **83(b)**

F11 Words in s. 6(1)(d) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **83(c)**

F12 S. 6(1)(e)-(j) substituted (1.1.1998) for s. 6(1)(e) by 1997 No. 1 , s. 10(1) , Sch. 1 Pt. I paras. 15 , **17(a)** ; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

F13 Words substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 16(b)

F14 Words in s. 6(2) substituted (1.1.1998) by 1997 No. 1 , s. 10(1) , **Sch. 1** Pt. paras. 15, 17(b); Instrument dated 28.11.1997 made by Archbishops of Canterbury and York

F15 Words in s. 6(2) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), arts. 1(1), **83(d)**

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- F16** S. 6(3) substituted by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 16(c) .
- F17** Words in s. 6(3) inserted (1.1.1998) by 1997 No. 1 , s. 10(1) , Sch. 1 Pt. I paras. 15 , **17(c)** ; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F18** S. 6(4)(4A) substituted for subsection (4) by Church of England (Pensions) Measure 1988 (No. 4, SIF 21:5) , **ss. 10(3)** , 16(d) .
- F19** Words in s. 6(4) inserted (1.1.1998) by 1997 No. 1 , s. 10(1) , Sch. 1 Pt. I paras. 15 , **17(d)** ; Instrument dated 28.11.1997 made by Archbishops of Canterbury and York
- F20** Words in s. 6(4A) repealed (1.9.1995) by 1995 No. 2 , **s. 14** ; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York .

Modifications etc. (not altering text)

- C3** S. 6 extended (Provinces of Canterbury and York except Channel Islands and Isle of Man) (5.11.1993) by 1993 No. 3 , **s. 4(4)** .
- C4** S. 6(4A) : functions transferred (1.1.1999) by S.I. 1998/1715 , arts. 1(2)(4) , 2 , **Sch. 1** ; 1998 No. 1 , **s. 5** ; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

Marginal Citations

- M3** 1946 c. 36 .

7 Construction, interpretation and citation.

- (1) This Measure and the ^{M4}Clergy Pensions (Amendment) Measure 1969 shall be construed as one with the principal Measure.
- (2) In this Measure “the principal Measure” means the ^{M5}Clergy Pensions Measure 1961.
- (3) This Measure may be cited as the Clergy Pensions (Amendment) Measure 1972, and the Clergy Pensions Measures 1961 to 1969 and this Measure may be cited together as the Clergy Pensions Measures 1961 to 1972.

Marginal Citations

- M4** 1969 No. 1.
M5 1961 No. 3.

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