

Status: Point in time view as at 01/01/2001.

Changes to legislation: There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Schedule 2. (See end of Document for details)

[^{F1}SCHEDULE 2

COMPENSATION UNDER SECTION 13

Textual Amendments

F1 Sch. 2 inserted (1.9.1994) by 1993 Measure No. 1, s. 13, **Sch.2** (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York .

- 1 (1) If agreement as to the form, amount and conditions of provision of compensation is reached between the person concerned and the diocesan board of finance, it shall be provided in accordance with the terms of the agreement.
- (2) If no agreement is reached as aforesaid, the compensation shall consist of—
 - (a) in respect of loss of stipend, a basic award in accordance with paragraph 2 below; and
 - (b) in respect of loss of housing and removal expenses, a housing allowance and a resettlement allowance in accordance with paragraphs 3 and 4 below.
- 2 (1) The basic award shall be in the form of periodical payments which shall be paid monthly to the person concerned during a period commencing on the date when he ceases to be the incumbent of the benefice concerned (“the material date”) and expiring at the end of—
 - (a) such number of months immediately following the material date as results from adding together—
 - (i) one month for each year or part of a year during which the person concerned has served in whole-time stipendiary ecclesiastical service; and
 - (ii) one month for each year or part of a year which has passed before the material date since the person concerned attained the age of forty years; or
 - (b) thirty-six months immediately following the material date,whichever is the greater:

Provided that where the person concerned has at the material date attained the age of fifty years the payments shall continue, if they would otherwise cease, until he attains an age within five years of the retiring age.
- (2) Such payments shall cease to be payable in respect of the person concerned—
 - (a) when he attains the retiring age; or
 - (b) if he receives a pension under the pensions regulations before attaining that age, on the date on which the pension is first paid; or
 - (c) if he re-enters whole-time stipendiary ecclesiastical service (being service which is pensionable service for the purposes of the pensions regulations) within the Province of Canterbury (including the Diocese in Europe) or the Province of York, on the date of re-entry.
- (3) Subject to paragraph (5) below, each monthly payment shall be of an amount equal to one-twelfth of the following—
 - (a) in the first period of twelve months, the national minimum stipend for the year in which the payment falls to be made;

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- (b) in the second period of twelve months, three-quarters of the national minimum stipend for the year in which the payment falls to be made;
 - (c) thereafter, two-thirds of the national minimum stipend for the year in which the payment falls to be made.
- (4) Where a pension is payable under the pensions regulations to a person who has received periodical payments under this paragraph, the [F²Church of England Pensions Board] shall augment the pension so as to ensure that it is at the same rate as it would have been had the period during which the periodical payments were made been one of pensionable service for the purpose of the regulations.

Textual Amendments

F2 Words in [Sch. 2 para. 2\(4\)](#) substituted (1.1.2001) by [2000 Measure No. 1, s. 9\(a\)](#); [Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York](#)

- 3 (1) The housing allowance shall be in the form of periodical payments which shall be paid monthly to the person concerned during the period in which the basic award is paid under paragraph 2 above.
- (2) Each monthly payment shall be of such amount as may be determined by the diocesan board of finance, and in determining the amount the diocesan board of finance shall consult the Church of England Pensions Board as to its practice where a person retires on grounds of ill-health, and shall have regard to its advice.
- 4 The resettlement allowance shall be a single payment of an amount equal to three-tenths of the national minimum stipend for the year in which application for compensation was made or such greater amount as the Central Board of Finance of the Church of England may determine.
- 5 (1) Subject to paragraph (2) below, if a person who is applying for or receiving payments under paragraph 2(1) or 3(1) above accepts any office or employment, the diocesan board of finance may refuse the application or, as the case may be, may suspend the periodical payments or reduce the amount thereof so as to take account of the emoluments of or other benefits which arise from the office or employment.
- (2) The diocesan board of finance shall not exercise its powers under paragraph (1) above in a manner whereby the total annual amount of the emoluments in question and the periodical payments (if any) would be less than the national minimum stipend.
- (3) It shall be the duty of every person who applies for or receives periodical payments under paragraph 2(1) or 3(1) above to disclose to the diocesan board of finance any office or employment which has been accepted by him and the terms thereof; and if he fails to do so and it appears to the board that in consequence it has made periodical payments which otherwise it would not have made or periodical payments in excess of those it would otherwise have made, it may, without prejudice to its powers under paragraph (1) above, direct the repayment of the amount of the payments or excess or such part thereof as it thinks just, and that amount shall be recoverable as a debt due to the board.
- 6 An application for compensation shall be made to the diocesan board of finance in such manner as that board may determine; and where a person is incapacitated from making such an application himself that board may authorise some other person to make it on his behalf.

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- 7 The cost of compensation shall be borne by the diocesan board of finance and charged either on the capital or the income account of the diocesan stipends fund, as may be [^{F3}determined by] the diocesan board of finance.

Textual Amendments

F3 Words in Sch. 2 para. 7 substituted (1.1.2001) by 2000 Measure No. 1, s. 9(b); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

- 8 (1) In this Schedule—
“compensation” means compensation under section 13 of this Measure;
“diocesan board of finance” has the same meaning as in the Pastoral Measure 1983;
“national minimum stipend”, in relation to any year, means the national minimum stipend recommended for the stipends of clergymen of incumbent status for that year in the Annual Report of the ^{F4}. . . Central Stipends Authority;
“pensions regulations” means regulations for the time being in force under section 6 of the Clergy Pensions (Amendment) Measure 1972.
- (2) In this Schedule the following expressions have the same meanings as in the pensions regulations—
“retiring age”;
“stipendiary ecclesiastical service”.]

Textual Amendments

F4 Sch. 2 para. 8(1) : words in definition of “national minimum stipend” omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 9(c); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

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