



# Church of England (Pensions) Measure 1988 (No. 4)

1988 No. 4

## 1 Pensions

- (1) For section 1 of the 1961 Measure (entitlement of clergy to pensions) there shall be substituted the following section—

**“1 Entitlement to pensions of clerks in Holy Orders, deaconesses and licensed lay workers**

- (1) Subject to the provisions of this Measure, any clerk in Holy Orders, deaconess or licensed lay worker (hereafter in this Measure referred to as a “scheme member”) who retires on or after the date on which section 1 of the Church of England (Pensions) Measure 1988 comes into force after performing a qualifying period of pensionable service shall be entitled to receive from the Commissioners for the remainder of his life—
- (a) if he retires on or after the retiring age, a pension at the rate applicable to him under Part I of Schedule 1 to this Measure;
  - (b) if he retires before attaining the retiring age on the ground that he has become incapable through infirmity of performing the duties of his office or if, having ceased to perform pensionable service before attaining that age and not being in receipt of a pension in respect of that service, he subsequently before attaining that age satisfies the Board that he has become incapable through infirmity of performing pensionable service, a pension at the rate applicable to him under Part II of that Schedule;
  - (c) if he retires (otherwise than by reason of infirmity) before attaining the retiring age but not more than five years before he would have attained that age, after having given not less than three months' notice in writing of his intention to do so to the Board, a pension at the rate applicable to him under Part III of that Schedule.
- (2) Subject to the provisions of this section, for the purposes of this Measure—

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*Status: This is the original version (as it was originally enacted).*

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- (a) “pensionable service” means—
    - (i) stipendiary ecclesiastical service within the area to which this Measure applies in connection with a diocese, cathedral or parish, or in connection with the collegiate churches of Westminster or Windsor, except service in respect of which a clerk, deaconess or licensed lay worker is a member of any pensions scheme other than an approved scheme; or
    - (ii) service which is treated as pensionable service by virtue of an agreement under subsection (3) or (4) below or is treated as having been performed by virtue of subsection (5) below;
  - (b) “a qualifying period of pensionable service” means—
    - (i) a period of pensionable service of not less than two years or a succession of periods of such service (whether with or without intervals) amounting in the aggregate to not less than two years, or
    - (ii) if in exceptional circumstances the Board with the concurrence of the Commissioners determine that in the case of an individual scheme member pensionable service for a period shorter than two years, or for a succession of periods amounting in the aggregate to a period shorter than two years, should be treated as a qualifying period, pensionable service for that shorter period; and
  - (c) ecclesiastical service is stipendiary if the scheme member receives in respect of that service—
    - (i) a payment from the Commissioners' general fund, including any payment out of that fund by way of a guaranteed annuity under section 1 of the Endowments and Glebe Measure 1976 or an annual personal grant under section 2 of that Measure;
    - (ii) a payment from any diocesan fund; or
    - (iii) a payment from money raised in the parish and given for or allocated to the maintenance of that scheme member, except that ecclesiastical service is not stipendiary if the only payment received by the scheme member is made to him by way of reimbursement of or contribution to expenses incurred by the scheme member, including the cost of maintaining, heating, lighting and cleaning the property in which he lives or is entitled to live.
- (3) The Board may enter into an agreement with any clerk, deaconess or licensed lay worker or with the employer of any clerk, deaconess or licensed lay worker under which service performed by the clerk, deaconess or lay worker which is service to which this subsection applies but is not pensionable service under subsection 2(a)(i) above is treated as pensionable service for the purposes of this Measure, and any such agreement may if the Board thinks fit require the clerk, deaconess or lay worker concerned or, as the case may be, the employer to pay to the Commissioners such sum or sums of money as the Board may determine having regard to the nature of the service performed and to the cost of treating that service as pensionable service.

The service to which this subsection applies is—

- (a) service as a clerk, deaconess or licensed lay worker, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) service otherwise in furtherance of the spiritual or administrative work of the Church of England,  
whether performed within or outside the area to which this Measure applies, except service in respect of which the clerk, deaconess or licensed lay worker concerned is a member of any pensions scheme other than an approved scheme.
- (4) Where a clerk, deaconess or licensed lay worker ceases to be a member of a pensions scheme, other than an approved scheme, without becoming entitled to any retirement benefit under it, the Board may enter into an agreement with the clerk, deaconess or lay worker under which the service in respect of which he was a member of that scheme is treated as pensionable service for the purposes of this Measure, and any such agreement may, if the Board thinks fit, require the clerk, deaconess or lay worker concerned to pay to the Commissioners such sum or sums of money as the Board may determine.
- (5) Where there is an interval not exceeding three months or such longer interval as the Board may in exceptional circumstances allow between two periods of pensionable service performed by any scheme member, then for the purpose of determining whether that scheme member has performed a qualifying period of pensionable service or of determining the length of the qualifying period of pensionable service performed, he shall be treated as having performed pensionable service during that interval; and if the pensionable service on one or both sides of the interval is part-time service, he shall be treated as having performed during that interval service either of the nature performed by him before the interval or of that performed by him afterwards, whichever is of greater benefit to the scheme member.
- (6) Where the pensionable service performed by a scheme member is being performed under the direction of a diocesan bishop, the notice required to be given under subsection (1)(c) above shall be given to that bishop as well as to the Board.
- (7) In this section “approved scheme” means a pensions scheme approved by the Board and the Church Commissioners for the purposes of this section.
- (8) For the purposes of subsection (1) above a scheme member who ceases to perform pensionable service before attaining the retiring age and subsequently satisfies the Board that he has become incapable through infirmity of performing such service shall be deemed to have retired on the date on which the Board determines that they are so satisfied.”
- (2) For Schedule 1 to the 1961 Measure there shall be substituted Schedule 1 to this Measure.