

*Status: Point in time view as at 25/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England Pensions Measure 2018, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **E**

Section 2

#### THE CHURCH OF ENGLAND PENSIONS BOARD

#### PART 1 **E**

##### MEMBERSHIP

###### *Members*

- [<sup>F1</sup>1] (1) The Board has 12 members, including the chair.
- (2) The chair is appointed by the Archbishops of Canterbury and York, with the approval of the General Synod.
- (3) Four members are elected as follows—
- (a) two are elected by and from the members of the funded scheme and the members of the past service scheme (who for this purpose constitute a single electorate), with at least one of them being a member of the House of Clergy,
  - (b) one is elected by and from the members of the workers' fund, and
  - (c) one is elected by and from the members of the administrators' fund.
- (4) One member is elected by the employers who participate in the workers' fund or the administrators' fund.
- (5) One member is appointed by the Archbishops of Canterbury and York after consulting the Church Commissioners and consulting persons who—
- (a) are officers or members of a diocesan board of finance or are members of the House of Clergy or the House of Laity elected for a diocese, and
  - (b) are chosen under arrangements approved by the Archbishops of Canterbury and York to represent dioceses in consultations on financial matters.
- (6) One member is appointed by the Archbishops of Canterbury and York after consulting the Chair of the House of Laity and the chair of the Appointments Committee of the Church of England.
- (7) One member is appointed by the Archbishops of Canterbury and York after consulting the Prolocutors of the Convocations of Canterbury and York and the chair of the Appointments Committee of the Church of England.
- (8) Three members are appointed by the Archbishops of Canterbury and York, each of them having professional expertise which, in the opinion of the Archbishops, is relevant to membership of the Board.
- (9) A person is eligible to be a candidate for election under sub-paragraph (3) only if two members of the Board appointed by the chair, and the chair of the Appointments

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Committee of the Church of England or a person nominated by the chair of that Committee, have decided that the person has the required skills and experience.

- (10) The three persons making a decision under sub-paragraph (9) must, in doing so—
  - (a) prepare a statement specifying the skills and experience which, in the opinion of those three persons, are required for holding the office in question,
  - (b) invite (in whatever form and manner those three persons consider appropriate) written applications to the Board explaining how the applicant meets the requirements specified in the statement, and
  - (c) assess each application by reference to the statement.
- (11) The provisions of the Standing Orders of the General Synod relating to elections apply to elections to the Board, with such modifications as are necessary.
- (12) The functions of the Archbishop of Canterbury and York under this paragraph are exercisable by them jointly; and the functions under this paragraph of the three persons making a decision under sub-paragraph (9) are exercisable by them jointly.]
- [<sup>F2</sup>(13) But where there is a vacancy in the see of one of the Archbishops, the functions of the Archbishops under this paragraph are exercisable by the other Archbishop.]

**Textual Amendments**

**F1** Sch. 1 para. 1 substituted (1.7.2021) by [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(2), **2(1)** (with art. 7)

**F2** Sch. 1 para. 1(13) inserted (25.1.2024) by [Church of England \(Miscellaneous Provisions\) Measure 2024 \(No. 1\)](#), **ss. 19, 22(2)(i)**

*Terms of office*

- 2 [<sup>F3</sup>(1) The chair and other members of the Board each hold office for a term of such duration as the General Synod decides; but the term must not exceed five years.
- (2) A person may not hold office as a member of the Board—
  - (a) for a period exceeding ten years, or
  - (b) for periods which, taken together, exceed ten years.]
  - (3) If a member of the Board ceases to hold a qualification by virtue of which he or she became a member, he or she ceases to be a member on ceasing to hold the qualification <sup>F4</sup>....
  - <sup>F5</sup>(4) .....
  - <sup>F6</sup>(5) .....
  - (6) A person is disqualified from being a member of the Board if there is a prohibition order or suspension order in force against him or her under section 3 or 4 of the Pensions Act 1995.
  - (7) A person is disqualified from membership of the Board if—
    - (a) the person is disqualified from being a trustee of a trust scheme under section 29 of the Pensions Act 1995, and
    - (b) the disqualification is not subject to a general waiver under subsection (5) of that section.

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- (8) If a member of the Board becomes disqualified under sub-paragraph (6) or (7), he or she ceases to be a member on becoming so disqualified.

#### Textual Amendments

- F3** Sch. 1 para. 2(1)(2) substituted (1.7.2021) by [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(2), **3(1)** (with art. 7)
- F4** Words in Sch. 1 para. 2(3) omitted (1.7.2021) by virtue of [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(2), **3(2)** (with art. 7)
- F5** Sch. 1 para. 2(4) omitted (1.7.2021) by virtue of [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(2), **3(3)** (with art. 7)
- F6** Sch. 1 para. 2(5) omitted (1.7.2021) by virtue of [The Legislative Reform \(Church of England Pensions\) Order 2021 \(S.I. 2021/554\)](#), arts. 1(2), **3(3)** (with art. 7)

#### Commencement Information

- I1** Sch. 1 para. 2 in force at 1.3.2019 by [S.I. 2019/98](#), **art. 2**

#### *Casual vacancies*

- 3 (1) A casual vacancy in the office of chair or of any other member of the Board must be filled within six months of its occurrence.
- (2) But if, in the case of a member other than the chair, the unexpired part of the term of office does not exceed 12 months, the vacancy is not to be filled unless the Appointments Committee of the Church of England so directs.
- (3) A casual vacancy in the office of a member is to be filled in the same manner as that in which the person whose place is being filled was elected or appointed.
- (4) A person appointed or elected to fill a casual vacancy holds office only for the unexpired portion of the term of office of the person whose place is being filled.

#### Commencement Information

- I2** [Sch. 1 para. 3](#) in force at 1.3.2019 by [S.I. 2019/98](#), **art. 2**

#### *Casual vacancies: special provision for persons retiring at the end of 2019 or 2021*

- 4 (1) The provision made by paragraphs 1(4) and (8) and 2(3) and (4) does not affect the term of office of a person who, immediately before the commencement of this Schedule, was serving as a member of the Board—
- (a) having been elected under the Church of England Pensions Regulations 1997 before 1 July 2017, or
- (b) having filled a casual vacancy under paragraph 3(3), (4) or (5) of the Church of England Pensions (Amendment) Regulations 2017.
- (2) The vacancies which arise on the retirement of two of those members at the end of 2019 are to be filled by two appointed persons.
- (3) The vacancies which arise on the retirement of two of those members at the end of 2021 are to be filled by one elected person and one appointed person.

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- (4) If a casual vacancy arises in the case of either of the members retiring at the end of 2019, the vacancy in each case is to be filled by an appointed person.
- (5) If a casual vacancy arises in the case of either of the members retiring at the end of 2021—
- (a) the first vacancy to arise is to be filled by an appointed person and the second vacancy by an elected person, or
  - (b) if both vacancies arise at the same time, they are to be filled by an appointed person and an elected person.
- (6) If a casual vacancy arises in the case of a person who was filling a casual vacancy under sub-paragraph (4) or (5) or under this sub-paragraph, the vacancy is to be filled either by an elected person or by an appointed person, depending on whether the person whose place is being filled was elected or appointed; and sub-paragraphs (2) to (5) accordingly apply to the person filling the vacancy as they did to the person whose place is being filled.
- (7) This paragraph does not affect the application of paragraph 3.
- (8) A reference in this paragraph to an elected person is a reference to a person elected by and from the House of Laity.
- (9) A reference in this paragraph to an appointed person is a reference to a person appointed by the Archbishops of Canterbury and York acting jointly, after consultation with the Chairman of the House of Laity and the Chair of the Appointments Committee of the Church of England.

**Commencement Information**

**I3** Sch. 1 para. 4 in force at 1.3.2019 by S.I. 2019/98, art. 2

**PART 2 E**

FUNCTIONS, PRACTICE AND PROCEDURE

*Incidental powers*

- 5 (1) The Board may do anything it thinks necessary or appropriate for the purpose of, or in connection with, the exercise of its functions.
- (2) A provision of this Measure which specifies things which the Board may do for the purpose of, or in connection with, the exercise of a function conferred by that provision does not affect the generality of sub-paragraph (1).

**Commencement Information**

**I4** Sch. 1 para. 5 in force at 1.3.2019 by S.I. 2019/98, art. 2

*Staff*

- 6 (1) The Board may determine the duties and remuneration of its staff.

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- (2) The Board must pay from the funds it administers—
- (a) the salaries or other remuneration of its staff, and
  - (b) the working expenses of the Board.

**Commencement Information**

**I5** Sch. 1 para. 6 in force at 1.3.2019 by S.I. 2019/98, art. 2

*Committees*

- 7 (1) A committee appointed by the Board may include persons who are not members of the Board.
- (2) A reference in this Part of this Schedule to a committee is to a committee appointed by the Board.

**Commencement Information**

**I6** Sch. 1 para. 7 in force at 1.3.2019 by S.I. 2019/98, art. 2

*Procedure*

- 8 [F7(1) The quorum of the Board is four; and the quorum must include at least one member elected under paragraph 1(3) (representatives of pension schemes).]
- (2) The validity of anything done by the Board is not affected by a vacancy among its members or by a defect in the appointment of a member.
- (3) The Board may make standing orders regulating its procedure, subject to subparagraphs (1) and (2) and paragraph 7; and a reference in a subsequent provision of this Schedule to standing orders is to those so made.

**Textual Amendments**

**F7** Sch. 1 para. 8(1) substituted (1.7.2021) by The Legislative Reform (Church of England Pensions) Order 2021 (S.I. 2021/554), arts. 1(2), 2(3) (with art. 7)

**Commencement Information**

**I7** Sch. 1 para. 8 in force at 1.3.2019 by S.I. 2019/98, art. 2

*Delegation of functions*

- 9 (1) The Board may delegate the exercise of any of its functions to a committee.
- (2) The Board or a committee may, in accordance with such provision as standing orders may make, delegate the exercise of any of its functions to an officer.

**Commencement Information**

**I8** Sch. 1 para. 9 in force at 1.3.2019 by S.I. 2019/98, art. 2

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### *Conduct of business*

- 10 (1) If the chair of the Board or of a committee considers that it has business which can properly be conducted by correspondence, the chair may instruct the secretary to circulate to the members written proposals requiring their approval.
- (2) Unless objections are received from members in such numbers and within such period as standing orders may specify, proposals circulated under sub-paragraph (1) are to be treated on the expiry of that period as if they had been approved by the Board or the committee concerned at a duly convened meeting.

#### **Commencement Information**

**I9** [Sch. 1 para. 10](#) in force at 1.3.2019 by [S.I. 2019/98, art. 2](#)

### *Seal and evidence*

- 11 (1) The application of the Board's seal must be authenticated by the signature of the secretary or of another officer authorised by the Board (whether generally or specifically) for that purpose.
- (2) A document purporting to be duly executed under the Board's seal is to be received in evidence and, unless the contrary is proved, taken to be so executed.
- (3) A document which is signed by two members of the Board and expressed (in whatever form of words) to be executed by the Board has the same effect as if executed under its seal.
- (4) A document which is signed by two officers or members of staff of the Board authorised by the Board for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Board, has the same effect as if executed under its seal.
- (5) An authorisation under sub-paragraph (4) has effect subject to such limitations or conditions as it may specify.
- (6) A document executed by the Board which makes clear on its face that it is intended to be a deed has effect on delivery as a deed and is to be taken, unless a contrary intention is proved, to be delivered on being so executed.
- (7) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document is taken to be duly executed by the Board if it purports to be signed in accordance with sub-paragraph (3) or (4).

#### **Commencement Information**

**I10** [Sch. 1 para. 11](#) in force at 1.3.2019 by [S.I. 2019/98, art. 2](#)

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