
STATUTORY INSTRUMENTS

1988 No. 2256

The Church of England Pensions Regulations 1988

PART IV

PROVISIONS RELATING TO CONTRACTED-OUT EMPLOYMENT

Guaranteed minimum pension for certain scheme members and their surviving spouses

19.—(1) This regulation applies if the service of a scheme member in any employment becomes contracted-out employment by reference to the principal scheme and it shall then override any of the preceding provisions of these regulations except regulation 18.

(2) If a scheme member has a guaranteed minimum under section 35 of the Social Security Pensions Act 1975⁽¹⁾ in relation to the pension to which he is entitled under the preceding provisions of these regulations—

- (a) the weekly rate of that pension at the date on which he attains the state pensionable age shall not be less than his guaranteed minimum under that section; and
- (b) if the member dies at any time and leaves a widow or widower, the weekly rate of pension provided for the widow or widower under these regulations shall not be less than half that guaranteed minimum.

(3) Where this regulation applies in the case of any scheme member who retires or dies without having performed a qualifying period of pensionable service, then notwithstanding anything in regulation 4 or 14 above—

- (a) the member on attaining the state pensionable age shall be entitled to a pension the weekly rate of which is equal to his guaranteed minimum, and
- (b) if the member dies at any time and leaves a widow or widower, the widow or widower shall be entitled to a pension the weekly rate of which is equal to half that guaranteed minimum.

(4) In paragraphs (2) and (3) above “weekly rate” means, in relation to a pension which is paid otherwise than at weekly intervals, a rate which is equivalent to the guaranteed minimum of the scheme member in question having regard to the period in respect of which the pension is paid.

(5) Any reference in this regulation to a scheme member’s guaranteed minimum shall, so far as it is attributable to the scheme member’s earnings after 5th April 1988, be a reference to that minimum as increased in accordance with the requirements of section 37A of the Social Security Pensions Act 1975 and to the extent of any orders made under that section.