2018 No. 906

ECCLESIASTICAL LAW, ENGLAND

The Pensions (Pre-consolidation) Order 2018

Made (sealed by the Archbishops' Council)	*25th July 2018*
Laid before Parliament	*30th July 2018*
Coming into force in accordance with article 1	

The Archbishops' Council, in exercise of the power conferred by section 8 of the Legislative Reform Measure 2018(**a**), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Pensions (Pre-consolidation) Order 2018.

(2) In accordance with section 8(5) of the Legislative Reform Measure 2018, this Order comes into force immediately before the commencement of the Consolidation Measure.

(3) "The Consolidation Measure" means the Measure resulting from the draft Church of England Pensions Measure given First Consideration by the General Synod on 9th February 2018.

Lump sum payments

2.—(1) In rule 6 of the Church of England Pensions (Lump Sum Payments) Rules 1988(**b**) (lump sum payments on retirement before retiring age otherwise than because of infirmity), for "five years" substitute "ten years".

(2) The amendment made by paragraph (1) is to be regarded as having always had effect.

Church of England Pensions Board: disqualification from membership

3.—(1) In regulation 8 of the Church of England Pensions Regulations 1997(**c**) (Pensions Board: supplementary provisions), after paragraph (2) insert—

"(2A) A person shall be disqualified from being a member of the Board if there is a prohibition order or suspension order in force against him under section 3 or 4 of the Pensions Act 1995(**d**)."

(2) In paragraph (4) of that regulation, after "subsection" insert "(2A) or".

(**a**) No. 5.
(**b**) The Rules were made on 1st December 1988 by the Church of England Pensions Board in exercise of the powers under section 3 of the Clergy Pensions (Amendment) Measure 1967 (No. 1).
(**c**) S.I. 1997/1929.
(**d**) 1995 c.26. Section 3 was substituted by section 33 of the Pensions Act 2004 (c.35) and section 4 was amended by section 34 of that Act.

This Order was approved by the General Synod on 6th July 2018

Jacqui Philips
Clerk to the Synod

THE COMMON SEAL of the Archbishops' Council was hereunto affixed on 25th July 2018.

(L.S.)

D. P. White
Church House, London SW1P 3AZ
R. Norval

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends provisions relating to Church of England pensions in exercise of the power to make pre-consolidation amendments that is conferred by section 8 of the Legislative Reform Measure 2018 ("the LRM").

Article 2(1) amends rule 6 of the Church of England Pensions (Lump Sum Payments) Rules 1988 so as to provide that a member of the past service scheme wishing to retire early otherwise than on grounds of infirmity is entitled to a lump sum if the member retires within 10 years, rather than within 5 years, of the retiring age. It is thought that the current reference to 5 years is a mistake; the Pensions Board has in practice acted on the basis that it was instead a reference to 10 years.

Article 2(2) provides for the amendment made by article 2(1) to be retrospective so as to remove any doubt there might otherwise be about previous exercises by the Pensions Board of its function under rule 6 of the 1988 Rules. The power to make retrospective provision of that kind is conferred by section 8(2)(a) of the LRM.

Article 3(1) amends regulation 8 of the Church of England Pensions Regulations 1997 so as to provide that a person who is subject to an order under section 3 or 4 of the Pensions Act 1995, prohibiting that person from acting as a trustee of a pension scheme, is disqualified from membership of the Pensions Board.

Article 3(2) makes a consequential amendment to ensure that the disqualification applies also to serving members of the Pensions Board.