



Jersey

CLERGY PENSIONS (CHANNEL ISLANDS) ORDER 1968

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APPENDIX



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CLERGY PENSIONS (CHANNEL ISLANDS) ORDER 1968

Jersey Order in Council 13/1968

CLERGY PENSIONS (CHANNEL ISLANDS) ORDER, 1968.

A LA COUR ROYALE DE L'ILE DE JERSEY.

L'An 1968, le 6e jour de décembre.

MONSIEUR LE DEPUTE BAILLI ayant présenté à la Cour un Ordre de Sa Très Excellente Majesté en Conseil en date du 25 octobre 1968, intitulé : -

“The Clergy Pensions (Channel Islands) Order, 1968”.

Lecture en ayant été donnée :

LA COUR, conformément aux conclusions de l'Avocat Général de la Reine, a ordonné que ledit Ordre soit enregistré sur les records de cette Ile et publié par l'Officier au lieu ordinaire à jour de marché, afin que toutes personnes puissent en avoir connaissance.

P.E. LE COUTEUR,

Greffier Judiciaire.

CLERGY PENSIONS (CHANNEL ISLANDS) ORDER, 1968.

At the Court at Buckingham Palace.

The 25th day of October, 1968.

Present

The Queen's Most Excellent Majesty in Council.

WHEREAS the Bishop of Winchester has, in accordance with the Schedule to the Channel Islands (Church Legislation) Measure, 1931, as amended by section 2 of the Channel Islands (Church Legislation) Measure, 1931 (Amendment) Measure, 1957,¹ settled the Scheme set out in the Schedule to this Order for applying the Clergy Pensions (Amendment) Measure, 1967 to the Channel Islands, and the procedure set out in the Schedule to the first-mentioned Measure has been followed ;

Now, therefore, Her Majesty, in pursuance of section 2 of the Channel Islands (Church Legislation) Measure, 1931, as amended by section 1 of the Channel Islands (Church Legislation) Measure, 1931 (Amendment) Measure, 1957,² and of section 49 of the Clergy Pensions Measure, 1961,³ is pleased, by and with the advice of Her Privy Council, to order and direct as follows : -

1. The Scheme set out in the Schedule to this Order is hereby confirmed.
2. The Clergy Pensions (Amendment) Measure, 1967 shall apply to the Channel Islands in accordance with the provisions of the said Scheme.
3. This Order may be cited as the Clergy Pensions (Channel Islands) Order, 1968 and shall come into operation on 1st January, 1969.

W.G. AGNEW.

¹ Tome VII, page 141 and Tome 1957–1960, page 311.

² Tome VII, page 139 and Tome 1957–1960, page 311.

³ Tome 1963–1965, page 86.

SCHEDULE**A SCHEME**

Prepared by the Bishop of Winchester in pursuance of the Channel Islands (Church Legislation) Measures, 1931 and 1957, for applying the Clergy Pensions (Amendment) Measure, 1967 to the Channel Islands.

PREAMBLE

Whereas by section 6 of the Clergy Pensions (Amendment) Measure, 1967 it is provided that the Measure shall be construed as one with the Clergy Pensions Measure, 1961⁵ and whereas by section 49 of that Measure⁶ it is provided that the Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures, 1931 and 1957⁷ in accordance with the provisions of those Measures :

And whereas the Bishop of Winchester has come to the conclusion that the Clergy Pensions (Amendment) Measure, 1967 ought to be applied, with certain variations, to the Channel Islands and has in accordance with the provisions or paragraphs 1, 2 and 3 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931⁸ prepared the following Scheme for that purpose :

SCHEME

The Clergy Pensions (Amendment) Measure, 1967 shall apply to the Channel Islands subject to the following variations, that is to say ;

In sub-section (5) of section 4 of the said Measure the words “by instrument under seal” shall be deleted and the words the sanction of an order of the Charity Commissioners’ shall be construed as including such sanction as may be required in similar circumstances by any custom or law which is or may hereafter become operative in the Channel Islands or either of them.

Any reference in this Scheme to the Channel Islands or either of them shall have the same meaning as has such a reference in the Channel Islands (Church Legislation) Measure, 1931.

A MEASURE

passed by the National Assembly of the Church of England to amend the Clergy Pensions Measure, 1961.

[22nd March, 1967].

**TERMINATION OF CONTRIBUTORY PENSION SCHEME FOR WIDOWS AND
CHILDREN**

1.-(1) Sections 11 to 13 of the principal Measure (which provide for contributory pensions for widows and children of clergy ordained after 1947) shall not apply to any clerk ordained after the passing of this Measure.

⁵ Tome 1963–1965, page 50.

⁶ Tome 1963–1965, page 86.

⁷ Tome VII, page 138 and Tome 1957–1960, page 311.

⁸ Tome VII, page 141.

(2) Any clerk ordained after the thirty-first day of December, 1947 and before the passing of this Measure may at any time give notice in writing to the Board that he wishes to cease payment of contributions under the said section 11, and thereupon his liability to pay such contributions shall cease and no further contributions shall be paid by him.

(3) Any clerk who is at the passing of this Measure or subsequently becomes more than 12 months in arrear with the payment of any contribution for which he is liable under the said section 11, shall be deemed to have given notice under the last foregoing subsection either immediately after the passing of this Measure or, as the case may be, when he becomes in arrear as aforesaid :

Provided that the Board may, if they think fit and on the payment of any contribution so in arrear, direct that this subsection shall be deemed not to have had effect as respects the period before the direction.

(4) Where the said liability of a clerk ceases under either of the last two foregoing subsections, the benefits to which his widow and children (if any) would have been entitled at his death, if the liability had not ceased, shall be granted at such reduced rate as an actuary may certify to be proper, and the actuary may take into account any arrears of contributions which have not been paid and section 35(4) of the principal Measure shall not apply to any such arrears:

Provided that where the said liability ceases as a result of a notice actually given under subsection (2) within twelve months after the passing of this Measure, and the clerk states in that notice or in a subsequent notice in writing given to the Board within the said twelve months that he wishes to be repaid a part of the contributions paid by him under section 11 in lieu of any benefits under the foregoing provisions of this subsection, the Board shall repay to him such part of those contributions calculated at the rate of £1 2s. 6d. for each complete half year of the payment as the Board may determine and the foregoing provisions in relation to this subsection shall not apply in respect of that clerk.

POWER TO COMMUTE PART OF PENSION

2.-(1) A clerk may, during the period of three months before he becomes entitled to a pension, make an application, in such manner as the Board may determine, to commute such part of the pension not exceeding one-fifth as he may specify, and the Board shall have power to agree to the commutation of the part of the pension so specified, or such smaller part as they think proper, for such capital sum as is estimated to be the actuarial equivalent thereof.

(2) The Church Commissioners may, at the request of the Board, fix a higher proportion than one-fifth for the purposes of the foregoing subsection, and may vary the proportion so fixed, but not so as to be less than one-fifth or more than one-quarter, and the foregoing subsection shall have effect accordingly.

(3) Where a clerk has commuted a part of his pension, then, –

- (a) in determining for the purposes of section 2(3) of the principal Measure the total income of the clerk ;
- (b) in determining for the purposes of section 10 thereof the pension payable to the widow of the clerk ;

the clerk shall be deemed to be receiving or, as the case may be, to have been receiving the pension that he would have received but for the commutation.

POWER TO MAKE LUMP SUM PAYMENTS IN ADDITION TO PENSIONS

3.-(1) As from such date as may be specified in rules made under this section, the Commissioners may, subject to and in accordance with such rules, make lump sum payments to clerks entitled to pensions under Part I of the principal Measure, in addition to those pensions.

(2) The Board may make rules for the purposes of this section, and any such rules shall be agreed with the Commissioners and shall be laid before the Church Assembly and shall not come into operation until they have been approved by the Church Assembly.

AMENDMENTS OF POWERS OF BOARD RELATING TO PROVISION OF RESIDENCES

4.-(1) Section 26(1) of the principal Measure (which empowers the Board to provide homes of residence and to assist others in providing them) shall be amended by the addition of the following paragraph : -

“(e) to make loans, on such terms as the Board think fit, to retired clerks or their wives or widows, and to retired church workers or their wives or widows, to assist them to purchase, build, rebuild or improve dwelling-houses (including flats) in which they reside or are to reside, being loans made on the security of the dwelling-houses and in respect of freehold interests or leasehold interests the unexpired terms of which are not less than sixty years.”

(2) It is hereby declared for the removal of doubt that the expression “home of residence” in the principal Measure includes a separate dwelling-house ; and the references in sections 19, 20 and 28 of the principal Measure to the provision of homes of residence shall include references to the making of loans under the paragraph added to section 26(1) by the foregoing subsection.

(3) Section 28(b) of the principal Measure (which includes among the purposes of the Fund therein mentioned the provision of homes of residence for church workers and their wives, widows and dependants) shall be amended by the insertion after the word “provision” of the words “maintenance or management”.

(4) For the purposes of the powers of the Board under section 26(4) and section 28 of the principal Measure to borrow money on the security of the assets of the Funds mentioned in those provisions, a home of residence vested in the Board and certified on its behalf to be maintained to a material extent out of any such Fund shall be deemed to be an asset of the Fund concerned.

(5) Where it appears to the Board that any land or building (including a part of a building) used as or for the purposes of, or held with, any such home of residence should cease to be so used or held, the Board may * * * * transfer the land or building to the Fund out of which the home of residence is or was maintained, and the land or building or the proceeds of sale thereof shall be treated as capital of the said Fund and that capital shall not be applicable for the purposes of the said Fund other than the acquisition of land or buildings for use as or for the purposes of a home of residence :

Provided that –

- (i) where the property proposed to be transferred consists of or comprises a gift of property required to be used specifically as or for the purposes of the home of residence, the transfer shall not be made without the sanction of an order of the Charity Commissioners, and the order may vary the trusts so as to allow the transfer without special directions as to the application of the property or proceeds or may give such directions, which may be varied or revoked by a subsequent order of the said Commissioners ;
- (ii) save as aforesaid, the powers of the Board under this subsection shall have effect subject to any expressed directions of the testators or other donors relating to the manner in which the assets concerned are to be applied.

POWER TO GIVE DIRECTIONS WITH RESPECT TO WIDOWS' PENSIONS

5. The power of the Commissioners under section 10(2) of the principal Measure shall include power to give directions to the Board –

- (a) for increasing the pension payable to a widow under that section to an amount based on what the deceased clerk's pension or entitlement to pension would have been if his period of pensionable service had included such additional number of years as may be specified in the directions or determined thereunder ;
- (b) for the payment to widows of clerks who died before the first day of April, 1961 of such pensions as may be specified in the directions or determined thereunder.

CONSTRUCTION, INTERPRETATION AND SHORT TITLE

6.-(1) This Measure shall be construed as one with the principal Measure.

(2) In this Measure "the principal Measure" means the Clergy Pensions Measure, 1961.⁹

(3) This Measure may be cited as the Clergy Pensions (Amendment) Measure, 1967.

⁹ Tome 1963–1965, page 50.