



Jersey

CLERGY PENSIONS (CHANNEL ISLANDS) ORDER 1963

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APPENDIX



Jersey

CLERGY PENSIONS (CHANNEL ISLANDS) ORDER 1963

Jersey Order in Council 8/1963

“CLERGY PENSIONS (CHANNEL ISLANDS) ORDER, 1963”

AVEC

ACTE DE LA COUR ROYALE

Y RELATIF.

CLERGY PENSIONS (CHANNEL ISLANDS) ORDER, 1963.

A LA COUR ROYALE DE L’ILE DE JERSEY.

L’An 1963, le 15e jour de juin.

O. du C.

MONSIEUR LE DÉPUTÉ BAILLI ayant présenté à la Cour un Ordre de Sa Très Excellente Majesté en Conseil en date du 11 avril 1963, intitulé: -

“The Clergy Pensions (Channel Islands) Order, 1963”.

LA COUR, vu son Acte du 13 mai 1963, référant ledit Ordre aux États, ainsi que certain Acte des États en date du 7 juin 1963, à ce sujet, conformément aux conclusions du Procureur-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.

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CLERGY PENSIONS (CHANNEL ISLANDS) ORDER, 1963.

At the Court at Windsor Castle.

The 11th day of April, 1963.

Present

The Queen's Most Excellent Majesty in Council.

WHEREAS by section 49 of the Clergy Pensions Measure, 1961 it is provided that the Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures, 1931 and 1957² in accordance with the provisions of those Measures;

And whereas the procedure set out in 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, 1957,³ has been followed in relation to the Scheme set out in the Schedule to this Order;

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 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 Measure, 1961,⁴ 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, 1963, and shall come into operation on 1st May, 1963.

W.G. AGNEW.

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

³ Tome VII, page 141 and Tome 1957–1960, page 311.

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SCHEDULE

SCHEME prepared by the Bishop of Winchester in pursuance of the Channel Islands (Church Legislation) Measures, 1931 and 1957, for applying the Clergy Pensions Measure, 1961, to the Channel Islands.

The Clergy Pensions Measure, 1961, shall apply to the Channel Islands subject to the following variations, that is to say : -

(1) In subsection (4) of section one and subsection (2) of section thirty-seven of the said Measure, the expression “the National Insurance Acts, 1946 to 1960” shall be construed as including any Law for a similar purpose which is or may hereafter become operative in the Channel Islands, or either of them.

(2) Section twenty-nine, subsection (2) of section thirty, section thirty-one and section thirty-three shall not be included in this Scheme.

(3) In paragraph (o) of subsection (1) of section thirty-two of the said Measure, there shall be added after the words “England and Wales” on both occasions when they occur the words “or the Channel Islands”.

(4) In paragraph (p) of subsection (1) of section thirty-two of the said Measure, there shall be substituted for the words “England and Wales or Northern Ireland” the words “England and Wales, Northern Ireland or the Channel Islands”.

(5) In section thirty-six of the said Measure, the expression “the Mental Health Act, 1959” shall be construed as including any Law for a similar purpose 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) Measures 1931 and 1957.⁵

A MEASURE

PASSED BY

THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND

To consolidate with amendments the Acts of Parliament and Measures of the Church Assembly relating to pensions for clergy and their widows and dependants and to the powers of the Church of England Pensions Board ; to provide for increases in the pensions payable to clergy and for making the pensions payable to bishops no longer contributory ; to provide for pensions which are not contributory for certain widows of clergy ; to confer on the Church of England Pensions Board power to provide homes of residence for retired church workers and their wives and for the widows and dependants of deceased church workers ; and for purposes connected with the matters aforesaid.

[3rd August, 1961]

⁵ Tome VII, page 139 and Tome, 1957–1960, page 311.

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PART I

Pensions for Clergy

ENTITLEMENT TO PENSION

1.-(1) Subject to the provisions of this Measure, any clerk in Holy Orders (hereafter in this Measure referred to as a “clerk”) who retires on or after the first day of April, nineteen hundred and sixty-one, 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 attaining the retiring age, a pension at the rate applicable to him under Part I of the First Schedule 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, a pension at the rate applicable to him under Part II of the said Schedule; or
- (c) if he retires before attaining the retiring age but not more than five years before he would have attained that age (not being a clerk mentioned in the last foregoing paragraph), a pension at the rate applicable to him under Part III of that Schedule.

(2) Subject to the provisions of this section, the expression “pensionable service” for the purposes of this Measure means –

- (a) whole time 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 ;
- (b) service which is to be treated as pensionable service by virtue of an agreement under the next following subsection ;

and the expression a “qualifying period of pensionable service” means a period of pensionable service of not less than ten years, or a succession of periods of such service (either with or without intervals) amounting in the aggregate to not less than ten years:

Provided that in relation to any individual clerk the Board with the concurrence of the Commissioners may in exceptional circumstances substitute for the references in this section to ten years references to such shorter period as the Board may determine.

(3) The Board may enter into an agreement with any clerk under which any service performed by him as a clerk, whether within or outside the area to which this Measure applies, may be treated as pensionable service for the purposes of this Measure, and any such agreement may, if the Board think fit, require the clerk concerned 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.

(4) Any period of service in respect of which a clerk is a member of any pension or superannuation scheme other than that established by this Measure or the National Insurance Acts, 1946 to 1960, shall not be treated as pensionable service for the purposes of this Measure:

Provided that, if the clerk ceases to be a member of that other scheme before becoming entitled to a pension thereunder, the Board may enter into an agreement with that clerk under

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which the said period of service may be treated as pensionable service for the purposes of this Measure, and any such agreement may, if the Board think fit, require the clerk 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 between two periods of pensionable service performed by any clerk, then for the purpose of determining whether that clerk has performed a qualifying period of pensionable service or of determining the length of the qualifying period of pensionable service performed by him, he shall be treated as having performed pensionable service during that interval.

(6) Subject to the provisions of the last foregoing subsection, where any period of service begins otherwise than on the first day of any month, the period of service shall be treated for the purposes of this Measure as beginning on the first day of the next following month, and where a period of service ends otherwise than on the last day of any month, it shall be treated for the purposes of this Measure as having ended on the last day of the immediately preceding month.

PROVISION AS TO RATES OF PENSION

2.-(1) The Commissioners shall have power to give to the Board, either on one occasion or on successive occasions, directions for increasing the rates of pension payable under the foregoing section or the rate of pension payable under that section to any class of persons.

(2) The Commissioners may, at the request of the Board, authorise the Board to augment, by such sum as may be specified in the authorisation and during such period as may be so specified, the pension payable under the foregoing section to any individual clerk.

(3) The Board, if they consider that the total income of any clerk who is in receipt of a pension under this Measure is or is likely to be at a rate less than such yearly rate as the Board, with the concurrence of the Commissioners, may from time to time determine, shall authorise the Commissioners to pay to that clerk such supplementary pension as will bring his total income up to that yearly rate.

In this subsection the expression “total income” means in relation to a clerk the total income of that clerk from all sources as estimated by the Board, and in the case of a clerk who is living with his wife means the aggregate of his total income and that of his wife as so estimated:

Provided that in estimating the total income of any person the Board may disregard such part of the income of that person as in the special circumstances of the case they think fit.

(4) Where a clerk who is entitled to a pension under this Measure dies within twelve months of entering upon his pension, the Commissioners shall pay to his legal personal representatives the pension that would have been payable to him under the foregoing section in respect of one year less any instalment thereof previously paid to him, and in calculating the pension that would have been payable to him as aforesaid the Commissioners shall not take into account any augmentation or supplementary pension authorised under this section.

RETIREMENT ON GROUNDS OF PERMANENT INFIRMITY

3.-(1) A clerk shall not be entitled to receive a pension under this Measure on the ground that he has become incapable through infirmity of performing the duties of his office unless the Board are satisfied after considering medical evidence that he is so incapable and that the infirmity is likely to be permanent:

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Provided that the Board, in addition to considering medical evidence for the purposes of this subsection, may consider such other evidence as in their opinion is necessary.

(2) A clerk who is dissatisfied with a decision of the Board under the last foregoing subsection that he is not incapable as aforesaid or that the infirmity is not likely to be permanent may appeal therefrom to a board of two or more referees appointed by the Board as suitable persons to consider that appeal, and the decision of the board so appointed shall be final.

SUSPENSION OR REDUCTION OF PENSION IN CASE OF SERVICE AFTER RETIREMENT

4.-(1) If a clerk who is in receipt of a pension under this Measure or any Measure repealed by this Measure accepts office as a diocesan bishop, suffragan bishop, archdeacon, dean, provost, residentiary canon or incumbent of a benefice, whether within or outside the area to which this Measure applies, the Board shall suspend his pension so long as he holds that office.

(2) If a clerk who –

(a) is in receipt of a pension under this Measure or any Measure repealed by this Measure, and

(b) has not attained the retiring age,

performs after his retirement service which is pensionable service (not being service in an office mentioned in the last foregoing subsection), the Board shall have power to suspend or reduce the pension as they think fit.

(3) Where the pension of a clerk who has retired after performing less than forty years' pensionable service is suspended or reduced under this section, then, on his second retirement, he shall be paid a pension at such rate as the Board think fit having regard to the additional period of pensionable service performed, not being a rate lower than that received by him before the pension was suspended or reduced.

(4) The rate of pension payable to any clerk under this Measure shall not be increased by reason of the performance by him of pensionable service after retirement unless his pension has been suspended or reduced under this section.

FORFEITURE OF PENSION

5. Where any clerk who has been ordained after the passing of this Measure becomes incapable, under ecclesiastical law or the provisions of any Act or Measure, of holding preferment in the Church of England or a church in communion with the Church of England, he shall forfeit any right to a pension under this Measure ; but the Board may, if they think fit, authorise the Commissioners to pay him either the pension to which, apart from this section, he would have been entitled or part of that pension:

Provided that nothing in this section shall affect the pension of any clerk who has retired and entered upon his pension under this Measure before he became incapable of holding preferment as aforesaid.

APPLICATION FOR PENSION

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6. A pension to which a clerk is entitled under this Part of this Measure shall not begin to accrue before the date on which an application therefor, made in such manner as the Board may determine, is received by the Board ; and where a clerk is incapacitated from making such an application himself, the Board may authorise some other person to make an application on his behalf:

Provided that the Board may, if they think fit, authorise the accrual of the pension from such date earlier than the date of the receipt by them of an application therefor as they may determine.

RETURN OF CONTRIBUTIONS PAID UNDER THE CLERGY PENSIONS MEASURE,
1948

7.-(1) Subject to the provisions of this Measure, where a clerk who has paid contributions under Part I of the Clergy Pensions Measure, 1948, dies before entering upon a pension under this Measure, the Commissioners shall pay to his legal personal representatives such sum as is specified in subsection (3) of this section :

Provided that no payment shall be made under this subsection in respect of a clerk who has received a payment under the next following subsection.

(2) Where a clerk who has paid contributions as aforesaid ceases to perform pensionable service in such circumstances that he is not entitled to receive immediately a pension under this Measure, the Board may forthwith at their discretion and shall upon his attaining the retiring age or retiring before that age by reason of infirmity in such circumstances as aforesaid, upon an application made by him in such form as the Board may require, authorise the Commissioners to pay to him such sum as specified in subsection (3) of this section :

Provided that no payment shall be made under this subsection to a clerk who makes an application therefor after he has become entitled to receive a pension under this Part of this Measure.

(3) The sum to be paid under this section shall be: -

- (a) such sum as is equal to the aggregate of all the contributions payable by the clerk under Part I of the Clergy Pensions Measure, 1948, together with compound interest at the rate of two and one-half per cent. per annum with annual rests upon each contribution repaid calculated from the date of the payment thereof to the date of death, in the case of repayment under subsection (1) of this section, or to the date of repayment, in the case of repayment under subsection (2) of this section ;
- (b) in the case of a clerk admitted to deacon's orders after the thirty-first day of December, nineteen hundred and twenty-six, who has not at any time been an excluded person within the meaning of the Clergy Pensions Measure, 1948, and who dies before receiving a pension under this Measure, either such a sum as aforesaid or the sum of £200, whichever is the greater:

Provided that –

- (i) the Commissioners shall deduct from the sum payable any arrears of contributions due from the clerk together with interest at the rate of five per cent. per annum calculated from the respective dates upon which the contributions in arrear were due ;

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- (ii) the Commissioners shall have power to deduct from the sum payable an amount equal to the amount of any income tax payable by the Commissioners in respect of that sum.

(4) A clerk who receives a payment under subsection (2) of this section shall cease to have any right under this Measure to receive on retirement a pension in respect of service performed before the date of the payment, and if any such clerk performs pensionable service after receiving such a payment he shall not be entitled to have any period before the payment taken into account in calculating his qualifying period of pensionable service :

Provided that any clerk who performs pensionable service after receiving any such payment as aforesaid: -

- (a) shall have the right upon repaying to the Commissioners the amount paid to him together with –

- (i) an amount equal to any deduction made from the amount paid to him under paragraph (i) or paragraph (ii) of the proviso to the last foregoing subsection, and

- (ii) compound interest thereon at the rate of two and one-half per cent. per annum with annual rests calculated from the date of payment to him,

to be reinstated in the possession of all the rights to which he would have been entitled if the return of contributions had not been made ; or

- (b) if he does not avail himself of the said right, may, at the discretion of the Board, be wholly or partially reinstated in the possession of those rights upon such terms and conditions as the Board may think fit.

(5) The provisions of this section shall not apply in relation to a diocesan bishop who was consecrated before the fifteenth day of June, nineteen hundred and forty-five, and paragraph (b) of subsection (3) of this section shall not apply in relation to any bishop who has paid contributions under the Episcopal Pensions Measures.

(6) The rights conferred by this section shall be incapable of being assigned by any instrument or act *inter vivos* or of being charged or anticipated, and shall not pass to any trustee in bankruptcy.

(7) For the purposes of this section the following payments shall be deemed to be contributions paid under Part I of the Clergy Pensions Measure, 1948, that is to say: -

- (a) any contribution or other sum paid by a clerk ordained before the first day of January, nineteen hundred and forty-eight, under an agreement made under section twenty-six of the Clergy Pensions Measure, 1948, or paragraph (e) of subsection (1) of section twenty-nine of that Measure, or under subsection (3) or subsection (4) of section one of this Measure, and any sum received under reciprocal arrangements made under section fifty or section fifty-one of the Clergy Pensions Measure, 1948, or under section forty-one or section forty-two of this Measure in respect of service performed by such a clerk ; and
- (b) any contribution or other sum paid in respect of service performed after the thirty-first day of December, nineteen hundred and fifty-four, by a clerk ordained after

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the thirty-first day of December, nineteen hundred and forty-seven, under an agreement made under section twenty-six of the Clergy Pensions Measure, 1948, or paragraph (e) of subsection (1) of section twenty-nine of that Measure or under subsection (3) or subsection (4) of section one of this Measure, and any sum received under reciprocal arrangements made under section fifty or section fifty-one of the Clergy Pensions Measure, 1948, or under section forty-one or section forty-two of this Measure in respect of such service :

Provided that paragraph (b) of subsection (3) of this section shall not apply in relation to a clerk ordained after the said thirty-first day of December, nineteen hundred and forty-seven.

RETURN OF CONTRIBUTIONS PAID UNDER THE EPISCOPAL PENSIONS MEASURES

8. A bishop who has paid contributions under the Episcopal Pensions Measures shall have the same rights in relation to those contributions as any clerk has under the last foregoing section in relation to contributions paid under the Clergy Pensions Measure, 1948, and accordingly the provisions of that section shall have effect in relation to contributions paid under the said Episcopal Pensions Measures subject to the following modifications: -

- (a) for any reference in that section to Part I of the Clergy Pensions Measure, 1948, there shall be substituted a reference to the Episcopal Pensions Measures ;
- (b) paragraph (b) of subsection (3) of that section and subsection (5) of that section shall not apply;
- (c) in relation to a bishop who has received a payment under subsection (2) of the last foregoing section and under that subsection as applied by this section, the reference in the proviso to subsection (4) of that section to the amount paid to him shall be construed as a reference to the aggregate amount paid to him, and the reference in that proviso to the deductions made under paragraph (i) and paragraph (ii) of the proviso to the said subsection (3) of that section shall be construed as a reference to the aggregate amount of the deductions made under the said subsection (3) and under that subsection as applied by this section.

TRANSITIONAL PROVISIONS

9.-(1) Any clerk who on the thirty-first day of March, nineteen hundred and sixty-one, is in receipt of a pension under any Measure repealed by this Measure shall, as respects pension accrued or accruing on or after the said date, be paid the rate of pension to which he would have been entitled if this Measure had been passed before the date of his retirement:

Provided that if the rate of pension which the clerk has been receiving before the first day of April, nineteen hundred and sixty-one, is higher than the rate of pension payable under this Measure, the Board shall increase the rate of pension so payable so as to secure that he shall not by reason of the passing of this Measure receive a smaller pension than he would otherwise have received.

(2) Where a clerk ordained before the passing of this Measure retires on or after the said first day of April and the rate of pension to which he would have been entitled if this Measure had not been passed is higher than the rate of pension payable under this Measure, the Board shall increase the rate of pension so payable so as to secure that he shall not by reason of the passing of this Measure receive a smaller pension than he would otherwise have received:

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Provided that this subsection shall not apply in relation to a bishop who is consecrated after the passing of this Measure.

(3) The reference in the last foregoing subsection to the pension to which a clerk would have been entitled if this Measure had not been passed shall be construed as including a reference to any augmentation which would, in the opinion of the Board, have been granted under section eight of the Clergy Pensions Measure, 1948, if this Measure had not been passed.

PART II

PENSIONS FOR WIDOWS AND DEPENDANTS

Pensions for Widows

PENSIONS FOR WIDOWS

10.-(1) Where a clerk who has performed a qualifying period of pensionable service dies on or after the first day of April, nineteen hundred and sixty-one, leaving a widow to whom he was married for not less than five years, his widow shall be entitled to receive from the Board for the remainder of her life, so long as she remains a widow, a pension of the following amount, that is to say: -

- (a) if the clerk was in receipt of a pension at the time of his death, a pension equal to one-third of the pension received by the clerk, or
- (b) if the clerk was not in receipt of a pension at the time of his death, a pension equal to one-third of the pension to which he would have been entitled in respect of the period of pensionable service performed by him if he had retired at the retiring age after having performed the same period of pensionable service:

Provided that the Board may if they think fit in exceptional circumstances grant a pension to a widow under this section notwithstanding that she was married for less than five years or that her husband had performed less than ten years' pensionable service.

(2) The Commissioners shall have power to give to the Board, either on one occasion or on successive occasions, directions for increasing the rate of pension payable under this section.

(3) Where a clerk has forfeited any right to a pension under this Measure by virtue of section five thereof, his widow shall not have a right to a pension under this section; but the Board may if they think fit pay to the widow either the pension to which apart from this subsection she would have been entitled or part of that pension.

(4) Where a clerk has received a payment under subsection (2) of section seven of this Measure, or under that subsection as applied by section eight of this Measure, and the amount paid to him has not been repaid under the proviso to subsection (4) of the said section seven, or under that proviso as so applied, then, in determining for the purposes of this section whether the clerk has performed a qualifying period of pensionable service, no account shall be taken of any period of service performed by him before the payment.

(5) In determining for the purposes of this section the rate of pension received by a clerk, no account shall be taken of any augmentation or supplementary pension payable to him

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under section two of this Measure or of any augmentation payable to him under section eight of the Clergy Pensions Measure, 1948.

(6) Where a clerk has surrendered to the Board under an agreement made under section fifteen of this Measure a part of his right to a pension under this Measure, he shall for the purposes of this section be deemed to have received the pension which he would have received if he had not entered into that agreement.

(7) Where the pension of a clerk has been suspended under section four of this Measure and the clerk dies while the pension is in suspension leaving a widow who is entitled to a pension under this section, his widow shall be entitled to receive –

- (a) a pension equal to one-third of the pension received by the clerk before the suspension, or
- (b) a pension equal to one-third of the pension to which he would have been entitled in respect of the period of pensionable service performed by him if he had retired at the retiring age after having performed the same period of pensionable service,

whichever is the greater.

Contributory pensions for widows and children of clergy ordained after 1947

CONTRIBUTIONS PAYABLE BY CLERGY ORDAINED AFTER 1947

11.-(1) Subject to the provisions of this Measure, every clerk ordained after the thirty-first day of December, nineteen hundred and forty-seven, who is performing pensionable service shall pay to the Board contributions at the following rates, that is to say: -

- (a) for a contributor under the age of fifty years at the date on which he first becomes subject to the provisions of this section, nine pounds per annum;
- (b) for a contributor aged fifty years or over at the date on which he first becomes subject to the provisions of this section, a sum to be determined by an actuary.

(2) Contributions under this section shall be payable half yearly, the first half yearly payment being due on the second payment date that occurs after the date on which the contributor first becomes subject to the provisions of this section.

In this subsection the expression “payment date” means the thirty-first day of March, the thirtieth day of June, the thirtieth day of September or the thirty-first day of December.

(3) The liability of a clerk to pay contributions under this section shall cease with the half yearly payment next before: -

- (a) his attainment or the age of seventy years;
- (b) his entering upon the receipt of a pension by reason of infirmity;
- (c) his ceasing to perform pensionable service for any reason other than those mentioned in the two last foregoing paragraphs; or
- (d) his death

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whichever shall first happen.

(4) A contribution paid under this section shall in no circumstances be repaid to the clerk by whom it was paid.

(5) Any reference in subsection (1) of this section to the date on which a clerk first becomes subject to the provisions of this section shall in relation to a clerk who immediately before the passing of this Measure was paying contributions under section twenty of the Clergy Pensions Measure, 1948, be construed as a reference to the date on which he first became liable to pay contributions under that section:

Provided that a clerk who was paying contributions under the said section twenty before the passing of the Clergy Pensions Measure, 1954, shall be liable to pay contributions at the rate of nine pounds per annum under this section notwithstanding that he was aged fifty years or over when he first became liable to pay contributions under the said section twenty.

PENSIONS PAYABLE TO WIDOWS AND CHILDREN OF CLERGY ORDAINED AFTER
1947

12. On the death of a clerk who has paid contributions under the last foregoing section from the date on which he first becomes subject to the provisions of that section to his attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever shall first occur: -

- (a) where he leaves a widow, that widow shall be paid as from his death during the remainder of her life so long as she remains a widow, a pension at the rate of fifty pounds per annum;
- (b) where he leaves a child or children under the age of eighteen years, a pension at the rate of twenty-five pounds per annum shall be payable for the benefit of that child or (if more than one) of each of those children, the pension to begin at the death of the clerk and to continue until the child in question attains the age of eighteen years.

PRESERVATION OF PENSION RIGHTS ON TERMINATION OF LIABILITY TO PAY
CONTRIBUTIONS UNDER S. II

13. Where a clerk has ceased to be liable to pay contributions under section eleven of this Measure by reason of paragraph (c) of subsection (3) of that section, he may by agreement with the Board pay such a sum or sums of money as an actuary may require in order to entitle his widow and children (if any) to receive at his death the benefits to which they would have been entitled under the last foregoing section if he had not ceased to be liable to pay contributions as aforesaid; but if no such agreement is made then, on his death, the said benefits shall be granted at such reduced rate as an actuary may certify to be proper:

Provided that on the death of a clerk who has paid contributions under the said section eleven for a period or aggregate of periods of not less than two years, but has ceased by reason of paragraph (c) of the said subsection (3) to pay contributions for a period not exceeding one year immediately before his death, the benefits mentioned in the last foregoing section shall not be reduced.

Provisions as to contributions paid under Part II of the Clergy Pensions Measure, 1948

*Jersey Order in Council 8/1963 Clergy Pensions (Channel Islands) Order, 1963***PROVISIONS AS TO CONTRIBUTIONS PAID UNDER PART II OF THE CLERGY PENSIONS MEASURE, 1948**

14.-(1) After the passing of this Measure a clerk ordained during the period beginning on the first day of July, nineteen hundred and thirty-six, and ending on the thirty-first day of December, nineteen hundred and forty-seven, shall not be liable to pay contributions towards a pension for his widow or dependants, but any clerk who has at any time paid contributions under Part II of the Clergy Pensions Measure, 1948, may, if he so wishes, continue to pay or resume the payment of those contributions.

(2) Where a clerk has paid contributions towards a pension for his widow or dependants, whether under the said Part II or by reason of the last foregoing subsection, continuously from the date on which he first became liable to pay contributions under the said Part II to his attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever shall first occur, then, on his death, the Board shall pay to his widow or a dependant nominated by him a pension for life of such an amount as an actuary certifies to be at his death equivalent to a capital sum of two hundred pounds, or if he dies leaving no widow or nominated dependant, the Board shall pay to his legal personal representative the sum of two hundred pounds.

(3) Where a clerk has paid contributions towards a pension for his widow or dependants as aforesaid but has not paid those contributions continuously from the date on which he first became liable to pay contributions under the said Part II until his attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever shall first occur, then, on his death, the Board shall pay to his widow or a dependant nominated by him such pension as an actuary certifies to be due in respect of the contributions paid by him, or if he dies leaving no widow or nominated dependant, shall pay to his legal personal representatives such capital sum as an actuary certifies as aforesaid.

(4) A clerk who has paid contributions as aforesaid may at any time within one year from the passing of this Measure apply to the Board for the repayment to him of such sum as an actuary may certify to be due to him in respect of the contributions paid by him:

Provided that –

- (a) the Board shall have power to deduct from the sum payable an amount equal to the amount of any income tax payable by the Board in respect of that sum; and
- (b) where a payment is made under this subsection, no pension or capital sum shall be payable under subsection (2) or subsection (3) of this section.

*Pensions payable to widows and dependants by agreement***PENSIONS PAYABLE TO WIDOWS AND DEPENDANTS BY AGREEMENT**

15.-(1) The Board shall have power to enter into an agreement with any clerk for the payment as from the death of the clerk of a pension to his widow or to such dependant or dependants of the clerk as may be specified in the agreement.

(2) The consideration for any agreement under this section shall in every case be actuarially adequate, and may consist either of periodical or other contributions in money or (notwithstanding any provision of any Act or Measure relating to the inalienability of pensions

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for clergy) of a surrender by the clerk concerned to the Board of any part of his rights to a pension or a return of contributions under Part I of this Measure:

Provided that –

- (a) no clerk shall surrender such a proportion or a prospective right to such a proportion of the pension as would, in the opinion of the Board, if surrendered leave him without adequate provision for his needs, and in no case shall he surrender more than one-half of a pension or a prospective right to more than one-half of a pension; and
- (b) no prospective right to a pension shall be surrendered except in contemplation of the retirement of the clerk concerned, and if his retirement does not take place within three months from the surrender, the surrender shall be void.
- (3) An agreement made under this section: -
 - (a) may provide for the payment of a pension both to the widow and to one or more dependants of the clerk concerned;
 - (b) may apply, with or without modifications, any of the foregoing provisions of this Part of this Measure; and
 - (c) may be modified by agreement between the Pensions Board and the clerk concerned by the substitution of one beneficiary for another or otherwise.
- (4) Any pension payable by virtue of an agreement made under this section to the widow or dependant of a clerk shall be payable in addition to and not in substitution for any pension or sum payable to the widow or dependant under any other provision of this Measure.

*Power of Board to commute pension under Part II for capital sum***POWER OF BOARD TO COMMUTE PENSION FOR CAPITAL SUM**

16. Where the aggregate pension payable under the foregoing provisions of this Part of this Measure is not more than thirty pounds per annum, the Board shall have power to commute the pension for such capital sum as is estimated to be the actuarial equivalent thereof, and the Board: -

- (a) if the person entitled to the pension is of full age and capable of giving an effective discharge, shall pay the said capital sum to that person, and
- (b) in the case of any other person, shall apply the capital sum for the maintenance, education and benefit of that person in such manner as they may think fit:

Provided that –

- (a) the Board shall have power to deduct from the sum payable an amount equal to the amount of any income tax payable by the Board in respect of that sum; and
- (b) where the aggregate pension payable under the foregoing provisions of this Part of this Measure is more than ten pounds per annum, the Board shall not exercise their

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powers under this section unless they have obtained the consent of the person entitled to the pension, if he is of full age and capable of giving his consent.

PART III

FINANCE AND ADMINISTRATION

Financial Provisions

PAYMENTS OUT OF GENERAL FUND OF COMMISSIONERS

17.-(1) All payments to be made by the Commissioners under Part I of this Measure shall be made by them out of their general fund.

(2) The Commissioners shall pay to the Board out of their general fund such sum as is required by the Board for the payments to be made by them under section ten to this Measure.

(3) The Commissioners shall have power to make from time to time to the Board grants out of their general fund of such amounts as they may think expedient for any purpose connected with the payment of pensions to retired clerks or to the widows and dependants of deceased clerks.

CLERGY (WIDOWS AND DEPENDANTS) PENSIONS FUND

18.-(1) The Board shall continue to administer the Clergy (Widows and Dependants) Pensions Fund established under the Clergy Pensions Measure, 1954.

(2) The Board shall pay into the said fund all sums received by them in respect of contributions payable under Part II of this Measure or received by them from the Commissioners under subsection (2) of the last foregoing section, and the Board shall pay out of the said fund all payments required to be made by them under the said Part II.

(3) If at any time it appears to the Board, after the valuation provided for by subsection (4) of section thirty-four of this Measure, that the Clergy (Widows and Dependants) Pensions Fund is more than sufficient to discharge the liabilities imposed on them by Part II of this Measure, the Board may direct, subject to the approval of the Church Assembly given by resolution, that the surplus or any part thereof be applied for the reduction of contributions payable by clerks under the said Part II or for the increase of pensions payable to the widows and dependants of deceased clerks under the said Part II.

CLERGY PENSIONS AUGMENTATION FUND

19. The Board shall continue to administer the Clergy Pensions Augmentation Fund established under the Clergy Pensions Measure, 1948, and shall pay into that fund any testamentary or other gifts made to the Board: -

- (a) for the relief of poverty in the case of any retired clerk; or
- (b) for the provision of homes of residence for retired clerks and their wives and for the widows and dependants of deceased clerks in accordance with the provisions of section twenty-six of this Measure;

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and, subject to any conditions imposed by the testators or other donors, the Board may at their discretion apply the fund or any part thereof for those purposes.

CLERGY (WIDOWS AND DEPENDANTS) PENSIONS AUGMENTATION FUND

20.-(1) The Board shall continue to administer the Clergy (Widows and Dependants) Pensions Augmentation Fund established under the Clergy Pensions Measure, 1948, and shall pay into that fund any testamentary or other gifts made to the Board: -

- (a) for the relief of poverty in the case of any widow, child or dependant of a deceased clerk; or
- (b) for the provision of homes of residence for the widows and dependants of deceased clerks in accordance with the provisions of section twenty-six of this Measure ;

and, subject to any conditions imposed by the testators or other donors, the Board may at their discretion apply the fund or any part thereof for those purposes.

(2) The Board shall pay into a separate account of the said fund any sums received from a diocese for the relief of poverty in the case of any widow or dependant of a deceased clerk, and the Board shall hold any such sums on behalf of the diocese by whom they were paid and shall add to those sums interest, at such rate as the Board may from time to time determine, on any amount held by the Board for that diocese under this subsection for a calendar year.

(3) The Board shall pay out of the said account any payments required to be made by them for the said purpose by a diocese, not exceeding in aggregate the total of the sums paid to them by that diocese together with any interest payable thereon under the last foregoing subsection.

Constitution of the Board

CONSTITUTION OF BOARD

21.-(1) There shall continue to be a board to be called “The Church of England Pensions Board” (in this Measure referred to as “the Board”) and the Board shall exercise and perform the functions assigned to them by this Measure.

(2) The Board shall be a body corporate with perpetual succession and a common seal.

(3) The Board shall consist of a chairman appointed by the Church Assembly and not less than twenty-one or more than twenty-three other members appointed or elected as follows: -

- (a) sixteen members shall be elected by the Church Assembly of whom eight shall be persons ordinarily resident in the Province of Canterbury and eight shall be persons ordinarily resident in the Province of York ;
- (b) five members shall be appointed by the Commissioners of whom one shall be a diocesan bishop ; and
- (c) not more than two other members shall be elected by the Church Assembly from among the beneficiaries of the Clergy Pensions Institution :

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Provided that –

- (i) at the first election to be held after the total number of beneficiaries of the said Institution in existence on the first day of January, nineteen hundred and twenty-seven is reduced by reason of death or otherwise by six thousand, the number of members elected under paragraph (c) of this subsection shall be reduced to one, and
- (ii) as soon as the total number of the said beneficiaries does not exceed five hundred, no further member from among the said beneficiaries shall be elected.

(4) Subject to the provisions of this section, the chairman of the Board shall hold office for such period as the Church Assembly may determine, not being longer than six years, and the other members of the Board shall hold office for a period of six years :

Provided that where there is delay in electing or appointing new members, the existing elected or appointed members of the Board shall, notwithstanding the expiration of the period for which they were elected or appointed, as the case may be, continue to hold office until the election or appointment of their successors.

(5) A casual vacancy occurring among the members of the Board appointed by the Commissioners shall be filled as soon as possible by the Commissioners, and any other casual vacancy shall be filled as soon as possible by the Standing Committee of the Church Assembly

- (a) if the member to be replaced was elected under paragraph (a) of subsection (3) of this section, by the appointment of a person ordinarily resident in the Province in which the member replaced was ordinarily resident at the time of his election, and
- (b) if the member to be replaced was elected under paragraph (c) of the said subsection (3), by the appointment of another beneficiary of the Clergy Pensions Institution.

(6) A person elected or appointed to fill a casual vacancy shall hold office only for the remainder of the period for which the member replaced would have held office.

(7) The chairman and any other member of the Board vacating office shall be eligible for re-election or re-appointment.

(8) The chairman or any other member of the Board may for good cause be removed from office by the body by whom he was elected or appointed.

(9) The Board may act notwithstanding a vacancy among the members thereof.

(10) The quorum of the Board shall be seven.

(11) Subject to the foregoing provisions of this section, the Board may make standing orders regulating their own procedure.

(12) The common seal of the Board shall be judicially noticed and shall be authenticated by the signature of the secretary or of some other officer of the Board authorised by the Board to act for that purpose.

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(13) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

PROVISIONS AS TO OFFICERS AND SERVANTS, AND WORKING EXPENSES, OF THE BOARD

22.-(1) Subject to the provisions of this Measure, the Board may appoint such officers and servants as may be necessary for the purpose of carrying this Measure into effect, and may determine their duties and remuneration.

(2) The Commissioners shall defray out of their general fund: -

- (a) the salaries or other remuneration of the officers and servants of the Board, and
- (b) the working expenses of the Board.

(3) The Commissioners may, after consultation with the Board, give to the Board directions of a general character as to the employment by them of officers and servants, as to the salaries or other remuneration of their officers and servants, and as to the incurring by the Board of working expenses in so far as it appears to the Commissioners that things done as to any of those matters will or may affect substantially the amount of the liability imposed on their general fund thereby, and the Board shall give effect to any such directions.

APPOINTMENT OF COMMITTEES

23.-(1) The Board may, if they think fit, appoint committees consisting of members of the Board and, subject to the provisions of this Measure, may delegate to such committees any of their functions.

(2) The Board may appoint any persons or any body of persons, whether members of the Board or not, to act, upon such terms and conditions as may be laid down by the Board, as local committees for any areas, whether dioceses or not, and, subject to the provisions of this Measure, may delegate to such committees any of their functions.

Powers of the Board

GENERAL FUNCTIONS OF THE BOARD IN RELATION TO PENSIONS

24. The Board shall control and administer the system of pensions established by this Measure and for that purpose shall have power: -

- (a) to enter into agreements for the receipt and payment of actuarial equivalents of any contributions or pensions under this Measure ; and
- (b) to borrow money for the purposes of Part II of this Measure and to secure the money upon the Clergy (Widows and Dependants) Pensions Fund or any of its assets.

POWER OF COMMISSIONERS TO GIVE DIRECTIONS AS TO EXERCISE OF FUNCTIONS OF BOARD

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25. The Commissioners may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of their functions, being directions which appear to the Commissioners to be requisite or expedient for securing a due balance between the amounts respectively of the liability imposed on their general fund by virtue of subsection (1) and subsection (2) of section seventeen of this Measure on the one hand and the resources of that fund available for meeting the liability on the other hand, and the Board shall give effect to any such directions.

POWERS OF BOARD AS TO PROVISION OF RESIDENCES

26.-(1) The Board shall have power: -

- (a) to provide, maintain and manage homes for the residence of retired clerks and their wives and for the widows and dependants of deceased clerks ;
- (b) to provide, maintain and manage homes for the residence of retired church workers and their wives and for the widows and dependants of deceased church workers ;
- (c) to assist others in providing, maintaining or managing any such homes as are mentioned in the two last foregoing paragraphs ; and
- (d) to assist others in maintaining any such persons as are mentioned in paragraphs (a) and (b) of this subsection in homes of residence for such persons and other persons.

(2) For the purposes of exercising any of their powers under the last foregoing subsection the Board may: -

- (a) acquire, hold, maintain, convert or repair any land or buildings ;
- (b) assist other persons in acquiring, maintaining, converting or repairing any land or buildings ;
- (c) construct or improve, or assist other persons in the construction or improvement of, houses or buildings of any kind.

(3) Each of the several acts and things which the Board have power to do by virtue of the foregoing provisions of this section may be done either alone or in conjunction with other persons.

(4) The Board may defray any expenditure incurred by them in the exercise of the powers conferred by the foregoing provisions of this section, other than provisions relating to homes for the residence of retired church workers and their wives or for the widows and dependants of deceased church workers, out of the Clergy Pensions Augmentation Fund or the Clergy (Widows and Dependants) Pensions Augmentation Fund, and may also, for the purpose of defraying any such expenditure, borrow money on the security of any assets belonging to either of the said Funds :

Provided that: -

- (a) nothing in this subsection shall authorise the use of assets belonging to the Clergy (Widows and Dependants) Pensions Augmentation Fund, or of moneys borrowed

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on the security of those assets, for the benefit of persons other than widows and dependants of deceased clerks ; and

- (b) the powers conferred by this subsection shall, in relation to any assets belonging to either of the said Funds, have effect subject to any expressed directions of the testators or other donors relating to the manner in which those assets are to be applied.

(5) Nothing in this section shall authorise the Board to acquire, hold or apply any property, whether real or personal, for any purposes other than charitable purposes.

POWER OF BOARD TO ADMINISTER PENSIONS SCHEMES FOR CHURCH WORKERS

27. The Board shall have power to establish, administer or participate with others in the administration of pensions schemes for the benefit of church workers or the widows or dependants of such workers and may, in conjunction with the exercise of their said powers, acquire and hold property, whether real or personal, either alone or jointly with others.

**POWER OF BOARD TO ESTABLISH CHURCH WORKERS PENSIONS
AUGMENTATION FUND**

28. The Board shall have power to establish a fund to be called “The Church Workers Pensions Augmentation Fund” and shall have power to pay into that fund any testamentary or other gifts made to the Board –

- (a) for the relief of poverty in the case of any retired church worker or the widow or dependant of a deceased church worker ; or
- (b) for the provision of homes of residence for retired church workers and their wives and for the widows and dependants of deceased church workers in accordance with the provisions of section twenty-six of this Measure ;

and the Board may at their discretion apply the said Fund or any part thereof for those purposes, and may also borrow money on the security of the assets of the said Fund in order to defray expenditure incurred for the said purposes :

Provided that the powers conferred by this section shall have effect subject to any expressed directions of the testators or other donors relating to the manner in which the assets of the Fund are to be applied.

BOARD TO BE A HOUSING ASSOCIATION

29. The Board shall be deemed to be a housing association within the meaning of the Housing Act, 1957, and the provisions of that Act, including in particular the provisions of section one hundred and twenty thereof (which relate to arrangements between local authorities and housing associations) shall have effect accordingly.

POWER OF BOARD TO ACT AS TRUSTEE

30.-(1) The Board shall have power to accept a transfer of any property (whether real or personal) subject to existing charitable trusts for the benefit of retired clerks or church workers or the widows or dependants of deceased clerks or church workers and to administer any such property as trustee thereof.

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(2) The Board shall also have power to act as custodian trustee, or otherwise to act as trustee for limited purposes only of any property (whether real or personal) subject to charitable trusts for the benefit of retired clerks or church workers or the widows or dependants of deceased clerks or church workers ; and subsections (1) and (2) of section four of the Public Trustee Act, 1906, shall apply to the Board in like manner as they apply to the public trustee.

BOARD TO BE A TRUST CORPORATION

31. The Board shall be a trust corporation for the purposes of the Law of Property Act, 1925, the Settled Land Act, 1925, the Trustee Act, 1925, the Administration of Estates Act, 1925, and the Supreme Court of Judicature (Consolidation) Act, 1925.

INVESTMENT POWERS OF BOARD

32.-(1) Subject to the provisions of this section, the Board may invest any moneys in their hands and available for investment in the following manner, that is to say: -

- (a) in Defence Bonds, National Savings Certificates and Ulster Savings Certificates;
- (b) in deposits in the Post Office Savings Bank, ordinary deposits in a trustee savings bank and deposits in a bank or department thereof certified under subsection (3) of section nine of the Finance Act, 1956;
- (c) in securities issued by Her Majesty's Government in the United Kingdom, the Government of Northern Ireland or the Government of the Isle of Man, being fixed-interest securities registered in the United Kingdom or the Isle of Man, Treasury Bills or Tax Reserve Certificates;
- (d) in any securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom or the Government of Northern Ireland;
- (e) in fixed-interest securities issued in the United Kingdom by any public authority or nationalised industry or undertaking in the United Kingdom;
- (f) in fixed-interest securities issued in the United Kingdom by the Government of any overseas territory within the Commonwealth or by any public or local authority within such a territory, being securities registered in the United Kingdom;
- (g) in fixed-interest securities issued in the United Kingdom by the International Bank for Reconstruction and Development, being securities registered in the United Kingdom;
- (h) in debentures issued in the United Kingdom by a company incorporated in the United Kingdom, being debentures registered in the United Kingdom;
- (i) in stock of the Bank of Ireland;
- (j) in debentures issued by the Agricultural Mortgage Corporation Limited or the Scottish Agricultural Securities Corporation Limited;
- (k) in loans to any authority to which this paragraph applies charged on all or any of the revenues of the authority or on a fund into which all or any of those revenues are payable, in any fixed-interest securities issued in the United Kingdom by any

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such authority for the purpose of borrowing money so charged, and in deposits with any such authority by way of temporary loan made on the giving of a receipt for the loan by the treasurer or other similar officer of the authority and on the giving of an undertaking by the authority that, if requested to charge the loan as aforesaid, it will either comply with the request or repay the loan;

- (l) in debentures or in the guaranteed or preference stock of any incorporated company, being statutory water undertakers within the meaning of the Water Act, 1945, or any corresponding enactment in force in Northern Ireland, and having during each of the ten years immediately preceding the calendar year in which the investment was made paid a dividend of not less than five per cent. on its ordinary shares;
- (m) in deposits by way of special investment in a trustee savings bank or in a department (not being a department certified under subsection (3) of section nine of the Finance Act, 1956) of a bank any other department of which is so certified;
- (n) in deposits in a building society designated under section one of the House Purchase and Housing Act, 1959;
- (o) in the acquisition of freehold land or buildings in England and Wales or of leasehold property in England and Wales of which the unexpired term at the time of investment is not less than sixty years;
- (p) in mortgages of freehold property in England and Wales or Northern Ireland and of leasehold property in those countries of which the unexpired term at the time of investment is not less than sixty years, and in loans on heritable security in Scotland;
- (q) in perpetual rent-charges charged on land in England and Wales or Northern Ireland and fee-farm rents (not being rent-charges) issuing out of such land, and in feu-duties or ground annuals in Scotland ;
- (r) in any securities issued in the United Kingdom by a company incorporated in the United Kingdom, being securities registered in the United Kingdom and not being securities falling within any of the foregoing paragraphs of this subsection;
- (s) in shares in any building society designated under section one of the House Purchase and Housing Act, 1959;
- (t) in any units, or other shares of the investments subject to the trusts, of a unit trust scheme in the case of which there is in force at the time of investment an order of the Board of Trade under section seventeen of the Prevention of Fraud (Investments) Act, 1958, or of the Ministry of Commerce for Northern Ireland under section sixteen of the Prevention of Fraud (Investments) Act (Northern Ireland), 1940;
- (u) in any investment fund or deposit fund constituted under the Church Funds Investment Measure, 1958;

and the Board may from time to time vary such investments.

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(2) The Board may retain any investment given to them by way of legacy or otherwise notwithstanding that it is not an investment specified in the last foregoing subsection.

(3) Not more than one-half of the property of any fund administered by the Board, as valued at the date of acquisition thereof, may at any time be invested in any of the securities mentioned in paragraphs (r), (s) or (t) of subsection (1) of this section ; and for the purposes of this subsection the value of property at the date of the acquisition thereof means: -

- (a) if the property was acquired by purchase, the purchase price thereof ;
- (b) if the property was acquired by gift, *inter vivos*, the value of the property as valued by a person who in the opinion of the Board is qualified to value that property ; and
- (c) if the property was acquired under a testamentary disposition, the value thereof for probate purposes.

(4) The securities mentioned in subsection (1) of this section do not include any securities where the holder can be required to accept repayment of the principal, or the payment of any interest otherwise than in sterling.

(5) The securities mentioned in paragraphs (a) to (j) of the said subsection (1), other than Treasury Bills or Tax Reserve Certificates, securities issued before the passing of the Trustee Investments Act, 1961, by the Government of the Isle of Man, securities falling within paragraph (f) thereof issued before the passing of the said Act, or securities falling within paragraph (k) thereof, and the securities mentioned in paragraph (r) of that subsection do not include –

- (a) securities the price of which is not quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act, 1958, or the Belfast Stock Exchange ;
- (b) shares or debenture stock not fully paid up (except shares or debenture stock which by the terms of issue are required to be fully paid up within nine months of the date of issue).

(6) The securities mentioned in paragraphs (h) and (r) of the said subsection (1) do not include –

- (a) shares or debentures of an incorporated company of which the total issued and paid up share capital is less than one million pounds ;
- (b) shares or debentures of an incorporated company which has not in each of the five years immediately preceding the calendar year in which the investment is made paid a dividend on all the shares issued by the company, excluding any shares issued after the dividend was declared and any shares which by their terms of issue do not rank for the dividend for that year.

For the purposes of paragraph (b) of this subsection a company formed –

- (i) to take over the business of another company or other companies, or
- (ii) to acquire the securities of, or control of, another company or other companies,

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or for either of these purposes and for other purposes shall be deemed to have paid a dividend as mentioned in that paragraph in any year in which such a dividend has been paid by the other company or all the other companies, as the case may be.

(7) Paragraph (k) of the said subsection (i) applies to the following authorities, that is to say –

- (a) any local authority in the United Kingdom ;
- (b) any authority all the members of which are appointed or elected by one or more local authorities in the United Kingdom ;
- (c) any authority the majority of the members of which are appointed or elected by one or more local authorities in the United Kingdom, being an authority which by virtue of any enactment has power to issue a precept to a local authority in England and Wales, or a requisition to a local authority in Scotland, or to the expenses of which, by virtue or any enactment, a local authority in the United Kingdom is or can be required to contribute ;
- (d) the Receiver for the Metropolitan Police District or a combined police authority (within the meaning of the Police Act, 1946) ;
- (e) the Belfast City and District Water Commissioners.

(8) In this section, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

“debenture” includes debenture stock and bonds, whether constituting a charge on assets or not and loan stock or notes ;

“enactment” includes an enactment of the Parliament of Northern Ireland ;

“fixed-interest securities” means securities which under their terms of issue bear a fixed rate of interest ;

“local authority” in relation to the United Kingdom means any of the following authorities :

(a) in England and Wales, the council of a county, a county, metropolitan or other borough (including a borough which has been included in a rural district), an urban or rural district or a parish, the Common Council of the City of London and the Council of the Isles of Scilly ;

(b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947

(c) in Northern Ireland, the council of a county, a county or other borough, or an urban or rural district ;

“ordinary deposits” and “special investment” have the same meanings respectively as in the Trustee Savings Banks Act, 1954;

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“property” includes real or personal property of any description, but does not include any land or building used for the purposes of a home of residence under section twenty-six of this Measure ;

“securities” includes shares, debentures, Treasury Bills and Tax Reserve Certificates ;

“share” includes “stock”;

“Treasury Bills” includes Exchequer Bills and other bills issued by Her Majesty’s Government in the United Kingdom and Northern Ireland Treasury Bills.

(9) References in this section to an incorporated company are references to a company incorporated by or under any enactment and include references to a body of persons established for the purpose of trading for profit and incorporated by Royal Charter.

(10) References in this section to an overseas territory or to a government of such territory shall be construed as if they occurred in the Overseas Service Act, 1958, and references in this section to a territory within the Commonwealth shall be construed as if this section were existing law within the meaning of the Republic of South Africa (Temporary Provisions) Act, 1961.

PRESERVATION OF RESTRICTIONS ON CERTAIN TRANSACTIONS

33. The conferment of powers on the Board by this Measure shall not be regarded as giving authority for any transaction to be entered into without the sanction of an Order of the Court or of the Charity Commissioners for England and Wales which would otherwise be required under section twenty-nine of the Charities Act, 1960.

In this section the expression “the Court” has the same meaning as in the said Act.

Audit of accounts of pensions funds, etc

AUDIT OF ACCOUNTS OF PENSIONS FUNDS, ETC

34..-(1) The Treasury shall from time to time appoint an auditor to audit the accounts of any fund or trust administered by the Board, other than any fund of the Clergy Pensions Institution, and the auditor shall be paid such remuneration by the Board and hold office for such period, as the Treasury may direct.

(2) The auditor so appointed shall audit the said accounts at such times, and make reports to the Church Assembly upon the accounts audited by him in such form, as the Treasury may direct.

(3) The Board shall present annually to the Church Assembly a report with respect to any such fund or property as aforesaid.

(4) On the thirty-first day of December, nineteen hundred and sixty-four, and at the expiration of every period of five years from that day, there shall be a valuation of the Clergy (Widows and Dependants) Pensions Fund by an actuary, and a report thereon shall be presented to the Church Assembly.

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MISCELLANEOUS AND GENERAL

Provisions as to payment of pensions

PROVISIONS AS TO PAYMENT OF PENSIONS

35.-(1) Subject to the provisions of this Measure, every pension under this Measure or under any Measure repealed by this Measure shall accrue from day to day and shall be payable (subject to any necessary apportionment) by equal quarterly instalments on the first day of January, the first day of April, the first day of July and the first day of October in each year ; and if the person entitled to the pension so requests, the Commissioners or the Board, as the case may be, shall have power to make, at such times before the end of each quarter as they may determine, payments of such part of those instalments as they may determine.

(2) A pension under this Measure shall be incapable of being assigned, charged or anticipated and shall not pass to any trustee in bankruptcy ; and any purported assignment of or charge upon such a pension shall be void :

Provided that a person in receipt of any such pension may, if of full age and of sound mind, by an instrument in writing signed by him and delivered to the Board, renounce his pension or any part thereof and upon such renunciation the pension shall determine accordingly in whole or in part.

(3) Every pension payable under Part II of this Measure for the benefit of a child of a deceased clerk shall be paid by the Board to the parent or guardian of that child, or to such other person under whose care or with whom the child may from time to time reside as the Board may think fit, and the person to whom the pension is paid may at his discretion pay the whole or any part thereof to the child for his absolute use and benefit and, where the whole pension is not paid to the child, shall apply the pension or the remainder, as the case may be, towards the maintenance, education or benefit of the child in such manner as he may think fit.

(4) Where there are any arrears of contributions or other payments due under this Measure or any Measure repealed by this Measure, or under any agreement made under this Measure or under any Measure repealed by this Measure, to the Board or to the Commissioners from the clerk to whom the pension is payable or, in the case of a pension payable to a widow, child or dependant of a deceased clerk, from the estate of that deceased clerk: -

- (a) no instalment of that pension shall be paid to any person, or applied under the provisions of the next following section, if and so long as there are any such arrears ; and
- (b) that pension shall be retained for such period as may be necessary and shall be applied in discharging the said arrears, together with interest at the rate of five per cent. per annum calculated from the respective dates upon which the contributions or payments in arrear were due :

Provided that –

- (i) in the case of a pension payable to a widow, child or dependant of a deceased clerk, the Board may waive wholly or partly their right to recover any such arrears

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as aforesaid from the estate of that clerk or to recover those arrears by retaining instalments of pension under the foregoing provisions of this subsection, and

- (ii) where instalments of pension payable under this Measure to more than one person are retained, the burden of the retentions shall be distributed rateably among those persons in proportion to the amounts of those pensions.

PROVISIONS AS TO PENSIONS PAYABLE TO PERSONS SUFFERING FROM MENTAL DISORDER

36.-(1) Where the Board are satisfied after considering medical evidence that a person to whom a pension is payable under this Measure (in this section referred to as a “pensioner”) is incapable by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, the Board may pay, or may authorise the Commissioners to pay, the pension or such part thereof as the Board think fit to the institution or person having the care of the pensioner, to be applied for his benefit, and the Board may pay, or may authorise the Commissioners to pay, the remainder (if any) or such part thereof as the Board think fit : -

- (a) to or for the benefit of persons who appear to the Board to be members of the pensioner’s family or other persons for whom the pensioner might be expected to provide if he were not mentally disordered, or
- (b) in reimbursement, with or without interest, of money applied by any person either in payment of the pensioner’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the pensioner or such persons as are mentioned in the last foregoing paragraph.

(2) Not less than fourteen days before exercising for the first time in relation to any pensioner their powers under this section, the Board shall give to the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, notice in writing of their intention specifying the name and address of the pensioner and the amount of the sum in respect of which the Board intend to exercise those powers, and the Board shall at the same time give notice in writing to the pensioner in a form approved by the said authority :

Provided that the Board may, with the approval of the said authority, exercise their powers under this section in respect of any pensioner notwithstanding that the said period of fourteen days has not expired.

(3) If at any time the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, give to the Board notice in writing that they object to the exercise by the Board of the said powers in relation to any pensioner, those powers shall as from the date of receipt of the notice by the Board cease to be exercisable by them in relation to that pensioner unless and until the said authority withdraws the notice.

EXCLUSION OF CERTAIN CLERKS FROM PROVISIONS OF MEASURE

37.-(1) The Board shall have power to exclude from the provisions of this Measure any clerk who first begins to perform pensionable service after attaining the age of sixty years and who makes an application to the Board to be so excluded.

(2) The Board shall have the power to exclude from the provisions of this Measure any clerk who proves to the satisfaction of the Board that he is entitled under any pension or

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superannuation scheme other than that established by this Measure or the National Insurance Acts, 1946 to 1960, to benefits which give adequate provision for his maintenance on his retirement and for the maintenance of his widow in the event of his death.

(3) The Board shall have power to exclude from the provisions of this Measure any clerk who applies for exclusion on the ground that he is a member of a religious community the rules of which secure that its members shall be adequately provided for until death out of the funds of the community.

(4) Any clerk who immediately before the passing of this Measure was excluded from the provisions of the Clergy Pensions Measure, 1948, shall be excluded from the provisions of this Measure.

(5) Where any clerk is excluded from the provisions of this Measure by virtue of the foregoing provisions of this section, the Board may at any time agree to terminate that exclusion on such conditions as they think fit.

Miscellaneous

DETERMINATION OF QUESTIONS

38.-(1) Subject to the provisions of this Measure, if any question arises: -

- (a) whether any clerk is performing or has performed pensionable service,
- (b) as to the length of the qualifying period of pensionable service performed by any clerk or the date on which the qualifying period terminated,
- (c) whether a clerk satisfies any other conditions laid down for receipt of a pension under Part I of this Measure or the terms and conditions upon which his pension is granted or agreed to be paid,
- (d) whether a clerk has retired or on what date he retired,
- (e) as to the rate at which a pension is to be paid and whether any deductions are to be made therefrom in respect of arrears of contributions,
- (f) as to the right of a clerk to a repayment of any contributions paid by him, or
- (g) as to the rights of a widow, child or dependant of a clerk, or of the clerk himself, under Part II of this Measure (including the question whether any person is a dependant of a clerk),

it shall be decided by the Board at a meeting specially convened for that purpose.

(2) Before giving a decision under this section the Board shall give the clerk or other person concerned, or his agent, an opportunity of being heard.

(3) Any person aggrieved by a decision of the Board under this section, may, within such limits of time and in such manner as may be laid down by Rules of Court, appeal from that decision to the High Court, and the decision of that Court on any such appeal shall be final.

(4) The Arbitration Act, 1950, shall not apply to any proceedings under this section.

CLERGY PENSIONS INSTITUTION

39.-(1) The Clergy Pensions Institution (in this section referred to as “the Institution”) shall continue to be an incorporated company, subject to the following provisions: -

- (a) the undertaking of the Institution shall be continued solely for the purpose of fulfilling the engagements and liabilities of the Institution existing on the thirty-first day of December, nineteen hundred and twenty-six, in accordance with the rules of the several funds of the Institution (in this section referred to as “the rules”) as modified by this Measure ;
- (b) the members for the time being of the Board shall be the members of the Institution ;
- (c) all powers vested in the directors under the memorandum and articles of association of the Institution and the rules shall be vested in and exercisable by the Board ; and
- (d) no person shall be admitted as a beneficiary of the Institution.

(2) The engagements and liabilities of the Institution shall be fulfilled in accordance with the following provisions, that is to say: -

- (a) any augmentation granted under the rules to beneficiaries who were beneficiaries but not pensioners on the thirtieth day of June, nineteen hundred and twenty-six, shall be granted on the basis of the rates of augmentation adopted by the Institution, and the conditions governing the grant of augmentation, in the year nineteen hundred and twenty-four being applicable to them ;
- (b) compound interest at the rate of three and one-quarter per cent. per annum shall, as from the passing of this Measure, be paid or credited to any beneficiary who is performing pensionable service upon any contributions to the annuity fund of the Institution in any case where under the rules compound interest at the rate of two and one-half per cent. would have been paid or credited ;
- (c) a beneficiary who is performing pensionable service shall not be required to pay any further contributions to the annuity fund of the Institution, and any such beneficiary receiving a repayment of contributions or reducing or discontinuing the contributions shall, notwithstanding the repayment, reduction or discontinuance, be entitled to receive the same augmentation as he would have received if that repayment, reduction or discontinuance had not been effected ;
- (d) the general fund of the Commissioners shall stand charged by way of guarantee with the payment of all annuities, augmentation and other sums from time to time payable under the rules as modified by this Measure and upon the winding up of the Institution, with the payment of the debts and liabilities of the Institution and of the costs, charges and expenses of the winding up;
- (e) as from the passing of this Measure interest shall be credited at the rate of three and one-quarter per cent. per annum upon the amount held by the Institution at the disposal of each diocesan committee.

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(3) At the expiration of every period of five years calculated from the thirty-first day of December, nineteen hundred and fifty-six, a valuation of the assets and liabilities of the Institution shall be made by an actuary, and if, upon such a valuation, it shall appear, and if the actuary shall certify, that the assets of the Institution after providing such reserves as the actuary may think proper, are more than sufficient to discharge the liabilities imposed thereon, so as to render available a surplus of an amount to be specified in the actuary's certificate, that surplus shall be paid and transferred by the Institution to the Clergy Pensions Augmentation Fund.

(4) If upon the winding up or dissolution of the Institution there remains after satisfaction of all its debts and liabilities any property whatsoever, that property shall be transferred to the Clergy Pensions Augmentation Fund.

(5) A copy of this section shall be embodied in every copy of the memorandum of association of the Institution issued after the passing of this Measure.

(6) Any moneys forming part of the funds of the Clergy Pensions Institution may at the discretion of the Institution: -

- (a) be invested in any manner specified in section thirty-two of this Measure ; and
- (b) be advanced by way of loan to any beneficiary of the Institution upon the security of any sum which under the rules of the several funds of the Institution is standing to his credit.

The powers contained in this subsection shall be in addition to the powers referred to in paragraph (c) of subsection (1) of this section.

DIOCESAN WIDOWS AND DEPENDANTS COMMITTEES

40.-(1) In every diocese the diocesan board of finance shall appoint a diocesan widows and dependants committee, which may include representatives of charities of which widows and dependants of deceased clerks of the diocese are beneficiaries.

(2) A diocesan widows and dependants committee shall watch over the interests of the widows and dependants of deceased clerks of the diocese for which the committee is appointed.

(3) In every diocese the diocesan board of finance shall appoint an officer or officers whose duty it shall be: -

- (a) to bring before the diocesan widows and dependants committee information as to the circumstances of widows and dependants of deceased clerks of the diocese and to make any proper representations on their behalf to the committee, and
- (b) to inform those widows and dependants of their rights under this Measure and of any action taken or proposed to be taken by the committee on their behalf.

RECIPROCAL ARRANGEMENTS WITH OTHER CHURCHES

41.-(1) The Board may, on such terms as the Commissioners may approve, enter into reciprocal arrangements with the authority controlling and administering any pensions scheme providing for pensions for the clergy, or widows, children or dependants of the clergy, of any church to which this section applies, and any such arrangements may provide that: -

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- (a) any clerk who, after performing pensionable service within the meaning of this Measure, begins to minister in any church to which this section applies may, if the Board so determine, be transferred to the pensions scheme of that church ; and
- (b) any clerk who, after ministering in any church to which this section applies, begins to perform pensionable service within the meaning of this Measure may retain for himself or his widow, children or dependants, in such manner and to such extent as the reciprocal arrangements may provide, any right to or expectation of a pension which he may have already acquired for himself or his widow, children or dependants :

Provided that no claim in respect of a pension payable by virtue of an agreement under section fifteen of this Measure shall be transferred to any other pensions scheme without the consent of the clerk who entered into the agreement.

(2) A clerk transferred under this section to the pensions scheme of a church to which this section applies shall, as from the date of transfer, cease to have any right or claim to receive at any time a pension or a return of contributions under this Measure, and his widow, children and dependants shall also cease to have any right to receive at any time a pension under this Measure, so, however, that the Board shall have power, on such terms and conditions as the Board may think expedient, to restore to the clerk the rights which he previously had under this Measure.

(3) This section shall apply to any church or organised body of clergy recognised by the Archbishop of Canterbury for the purposes of this section.

RECIPROCAL ARRANGEMENTS WITH OTHER PENSIONS AUTHORITIES

42.-(1) The Board may, on such terms as the Commissioners may approve, enter into reciprocal arrangements with the authority controlling and administering any pensions scheme providing for pensions for persons in the service of the Crown, or of any government department or any public or local body, board or authority in England or elsewhere, or providing the pensions for the widows, children or dependants of such persons, and any such arrangements may provide that: -

- (a) any clerk who after performing pensionable service within the meaning of this Measure enters such service as aforesaid, may, if the Board so determine, be transferred to the pensions scheme of that other authority ; and
- (b) any clerk who after being in such service as aforesaid begins to perform pensionable service within the meaning of this Measure may retain for himself or his widow, children or dependants, in such manner and to such extent as the reciprocal arrangements may provide, any right to or expectation of a pension which he may already have acquired for himself or for his widow, children or dependants :

Provided that no claim in respect of a pension payable by virtue of an agreement under section fifteen of this Measure shall be transferred to any other pensions scheme without the consent of the clerk who entered into the agreement.

(2) A clerk transferred under this section to the pensions scheme of another authority shall, as from the date of transfer, cease to have any right to receive at any time a pension or a return of contributions under this Measure, and his widow, children and dependants shall also

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cease to have any right to receive at any time a pension under this Measure, so, however, that the Board shall have power, on such terms and conditions as the Board may think expedient, to restore to the clerk the rights which he previously held under this Measure.

POWER TO DEDUCT CONTRIBUTIONS FROM STIPEND

43.-(1) The Commissioners may, if the Board request them so to do, deduct any contribution which a clerk is liable to pay under Part II of this Measure or under any Measure repealed by this Measure from any payment of stipend payable by them to that clerk, and the Commissioners shall pay any sum so deducted to the Board.

(2) Where any contribution is deducted and paid to the Board under the last foregoing subsection the deduction and payment shall discharge: -

- (a) the clerk concerned from his liability to pay the contribution, and
- (b) the Commissioners from their liability to pay such part of the stipend of the clerk as is equal to the deducted contribution.

ALTERATION OF RATES OF INTEREST

44. Any rate of interest specified in any provision of this Measure, other than section thirty-nine, may be altered by the Commissioners after consultation with the Board to such other rate as the Commissioners with the advice of an actuary and the approval of the Church Assembly given by resolution may from time to time determine.

ABOLITION OF CHARGES

45. Any charge upon the revenues of a benefice created under the Incumbents Resignation Acts, 1871 and 1887, section two of the Clergy Pensions (Older Incumbents) Measure, 1930, or under section eight of the Clergy Pensions Measure, 1948, is hereby abolished.

INTERPRETATION

46.-(1) In this Measure, except where the context otherwise requires, the following expressions have the meanings thereby assigned to them respectively, that is to say: -

“actuary” means a Fellow of the Institution of Actuaries or of the Faculty of Actuaries in Scotland employed by the Board for the purposes of this Measure ;

“bishop” includes an archbishop ;

“bishopric” includes an archbishopric ;

“the Board” means the Church of England Pensions Board ;

“child” includes a step-child and an adopted child ;

“church worker” means any person (other than a clerk) who is or has been employed in spiritual or temporal work in connection with the Church of England ;

“clerk in Holy Orders” means any bishop, priest or deacon of the Church of England ;

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“the Commissioners” means the Church Commissioners ;

“dependant” shall have such meaning for the purposes of this Measure as the Board may determine for the purposes of each case having regard to all the circumstances ;

“diocesan bishop” means the bishop of any diocesan bishopric in England, whether created before or after the passing of this Measure, including the bishopric of Sodor and Man ;

“ecclesiastical service” means service rendered under the direction of a diocesan bishop or carried on in furtherance of the spiritual or administrative work of the Church of England and recognised as such by a diocesan bishop ;

“Episcopal Pensions Measures” means the Episcopal Pensions Measure, 1926, the Episcopal Pensions (Sodor and Man) Measure, 1931, and the Episcopal Pensions Measure, 1945, as amended by the Bishops (Retirement) Measure, 1951 ;

“pensionable service” has the meaning assigned to it by section one of this Measure ;

“qualifying period of pensionable service” has the meaning assigned to it by the said section one ;

“retiring age” means the age of seventy years or such other age as the Church Assembly may by resolution from time to time determine ;

“stipend” includes salary and other emoluments ;

“suffragan bishop” means the bishop of any suffragan bishopric in England, whether created before or after the passing of this Measure.

(2) References in this Measure to any Act or Measure shall be construed as references to that Act or Measure as amended by any subsequent Act or Measure.

CONSEQUENTIAL AMENDMENTS OF MEASURES

47. The Measures specified in the first column of the Second Schedule to this Measure shall have effect subject to the amendments specified in the second column of that Schedule, being amendments required in consequence of the passing of this Measure.

REPEALS AND CONSEQUENTIAL SAVINGS

48.-(1) The Acts and Measures specified in the Third Schedule to this Measure are hereby repealed.

(2) Any application, claim, payment, agreement, arrangement, determination, order or Rules of Court made, or having effect as if made, direction, decision or notice given, or having effect as if given, or other thing done under any Act or Measure repealed by this Measure shall, if in force immediately before the passing of this Measure, continue in force and be deemed to have been made, given or done under the corresponding provisions of this Measure.

(3) Where any clerk has before the passing of this Measure performed a period of pensionable service as defined in section twenty-nine of the Clergy Pensions Measure, 1948, as

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amended by section fifteen of the Clergy Pensions Measure, 1954, that service shall be deemed to be pensionable service for the purposes of this Measure.

(4) The repeal of any Act or Measure by this Measure shall not affect any pension which has become payable under that Act or Measure before the passing of this Measure and, subject to the provisions of this Measure, any such pension shall continue to be payable in accordance with the provisions repealed by this Measure for the period for which it would have been payable if this Measure had not been passed.

(5) Any person who immediately before the passing of this Measure is holding any office by virtue of a Measure repealed by this Measure shall continue to hold his office as if he had been appointed or elected to that office under the corresponding provision of this Measure.

(6) Where a period of time specified in any Measure repealed by this Measure is current at the passing of this Measure, this Measure shall have effect as if the corresponding provision thereof had been in force when that period began to run.

(7) Any Act, Measure or document referring to any Act or Measure repealed by this Measure shall be construed as referring to the corresponding provision of this Measure.

(8) The mention of particular matters in this section shall not be taken as affecting the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

EXTENT

49. This Measure shall extend to: -

- (a) the whole of the Province of Canterbury with the exception of the Channel Islands ;
- (b) the whole of the Province of York, including the Isle of Man ; and
- (c) the collegiate churches of Westminster and Windsor :

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures, 1931 and 1957, or either of them, in accordance with the provisions of those Measures.

SHORT TITLE

50. This Measure may be cited as the Clergy Pensions Measure, 1961.

SCHEDULES*Section 1***FIRST SCHEDULE****RATES OF PENSION UNDER SECTION ONE****PART I***Rate where clerk retires at or above the retiring age*

1. The rate of pension of a clerk who retires at or above the retiring age, after having performed a qualifying period of pensionable service of 40 years or more, shall be at the rate specified in the following table in relation to the last office held by the clerk within the area to which this Measure applies: -

<i>Office</i>	<i>Rate</i>
	£
Archbishops of Canterbury and York ...	2,000
...	
Bishops of London, Durham and Winchester	1,750
Diocesan bishops other than those previously mentioned in this table ...	
... ..	1,250
Suffragan bishops	900
...	
Deans and provosts of cathedral churches and the Deans of Westminster or Windsor ...	700
Archdeacons... ..	600
...	
Any clerks other than those previously mentioned in this table	
...	400

Provided that where a clerk has at any time held within the area to which this Measure applies an office in relation to which the rate of pension specified in the foregoing table is at a higher rate than that specified in relation to the last office held by him within that area, the clerk shall be paid a pension at that higher rate.

2. Where the qualifying period of pensionable service performed by a clerk is less than 40 years, the rate of pension shall be calculated by adding together for each complete year of pensionable service one-fortieth of the pension to which he would have been entitled under the foregoing paragraph if he had performed 40 years' pensionable service ; and where the qualifying period of pensionable service comprises a broken part of a year the rate shall be increased by adding in respect of each complete month in the broken part, one-twelfth of the amount payable in respect of a complete year.

*Jersey Order in Council 8/1963 Clergy Pensions (Channel Islands) Order, 1963**PART II**Rate where clerk retires under the retiring age by reason of infirmity*

The rate of pension of a clerk who retires under the retiring age on the ground that he has become incapable through infirmity of performing the duties of his office shall be calculated by: -

- (a) ascertaining the rate of pension to which he would have been entitled under Part I of this Schedule if he had continued to perform pensionable service until the retiring age and had then retired, and
- (b) subtracting therefrom one per cent. thereof for each complete year by which his age at the date on which his pension begins to accrue is less than the retiring age.

*PART III**Rate where clerk retires not more than five years before reaching the retiring age otherwise than on grounds of infirmity*

The rate of pension of a clerk who retires before attaining the retiring age, but not more than five years before he would have attained that age (not being a clerk mentioned in Part II of this Schedule), shall be calculated by: -

- (a) ascertaining the rate of pension to which he would have been entitled under Part I of this Schedule if for the reference therein to the retiring age there were substituted a reference to his age at the date on which his pension begins to accrue, and
- (b) subtracting therefrom 5 per cent. thereof for each year or part of a year by which his age at the date on which his pension begins to accrue is less than the retiring age.

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Section 47

SECOND
SCHEDULE**MEASURES AMENDED**

<i>Measure Amended</i>	<i>Amendments</i>
The Church Dignitaries (Retirement) Measure, 1949. 12 & 13 Geo. 6 No. 1.	<p>In section three, for paragraph (a) of subsection (1) there shall be substituted the following paragraph: -</p> <p>“(a) shall be entitled to receive a pension under the Clergy Pensions Measure, 1961, at the rate specified in Part I of the First Schedule to that Measure if he has attained the retiring age within the meaning of that Measure or, if he has not attained that age, a pension at the rate specified in Part II of that Schedule”;</p> <p>and subsection (2) of that section shall cease to have effect.</p>
The Bishops (Retirement) Measure, 1951. 14 & 15 Geo. 6 No. 2.	<p>For section two there shall be substituted the following section: -</p> <p>“2. A bishop whose bishopric is declared vacant under this Part of this Measure shall for the purposes of the Clergy Pensions Measure, 1961, be deemed to have retired by reason of infirmity on the date on which the declaration takes effect.”</p>

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In section four, for the words from “shall be entitled” to the end of the section there shall be substituted the words “shall, if he has not attained the retiring age, be entitled to a pension under the Clergy Pensions Measure, 1961, of an amount equal to three-quarters of the pension to which he would have been entitled under that Measure if he had retired by reason of infirmity.”

In section nine, in subsection (1) in paragraph (b), for the words “subsection (2) of section two or paragraph (b) of section three of the Episcopal Pensions Measure, 1945” there shall be substituted the words “the proviso to subsection (2) of section nine of the Clergy Pensions Measure, 1948, or under section twenty-one of that Measure.”

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Section 48

THIRD SCHEDULE

ENACTMENTS REPEALED

<i>Session and Chapter.</i>	<i>Short Title.</i>
34 & 35 Vict. c. 44 ...	The Incumbents Resignation Act, 1871.
35 & 36 Vict. c. 8 ...	The Deans and Canons Resignation Act, 1872.
50 & 51 Vict. c. 23 ...	The Incumbents Resignation Act, 1871, Amendment Act, 1887.
16 & 17 Geo. 5. No. 7	The Episcopal Pensions Measure, 1926.
20 & 21 Geo. 5. No. 6	The Clergy Pensions (Older Incum- bents) Measure, 1930. ⁶
21 & 22 Geo. 5. No. 1	The Episcopal Pensions (Sodor and Man) Measure, 1931.
8 & 9 Geo. 6. No. 2 ...	The Episcopal Pensions Measure, 1945.
11 & 12 Geo. 6. No. 1	The Clergy Pensions Measure, 1948. ⁷
15 & 16 Geo. 6 & 1 Eliz. 2. No. 1 ...	The Church of England Pensions Board (Powers) Measure, 1952. ⁸
... ..	
2 & 3 Eliz. 2. No. 4 ...	The Clergy Pensions Measure, 1954. ⁹

⁶ Tome VII, page 322.

⁷ Tome 1949–1950, page 142.

⁸ Tome 1954–1956, page 34.

⁹ Tome 1954–1956, page 298.