A

MEASURE

PASSED BY

The National Assembly of the Church of England

To consolidate, with amendments, the Clergy Pensions Measures, 1926 to 1946, to limit the application of those Measures to clergy already ordained, to establish a new scheme of pensions for clergy hereafter ordained and their widows and children and to amend the Clergy Pensions (Older Incumbents) Measure, 1930 and for purposes connected therewith. [24th March 1948.]

INTRODUCTORY.

Scope of Measure.

1.—(1) This Measure shall apply to all clerks in Holy Orders engaged in rendering ecclesiastical service or holding an educational charitable or public post who—

(*a*) on the appointed day (which expression in this Measure means the first day of January, one thousand nine hundred and twenty-seven) held office or discharged their functions in the area to which this Measure applies or at any time thereafter hold office or discharge their functions in that area,

(*b*) had not attained the age of fifty-five years before the appointed day,

(*c*) hold a benefice, deanery, prebend or canonry, or receive a stipend, salary or emolument, the net annual value or the annual amount of which as estimated in manner provided by this Measure for the purpose of assessing contributions hereunder exceeds one hundred and fifty pounds, and

(*d*) have not been excluded from the provisions of this Measure.

(2) In any case where an income is simultaneously derived from more than one source mentioned in subsection (1) of this section, but the income derived from each of such sources or from any one or more of them does not exceed one hundred and fifty pounds, the whole of such income shall be aggregated for the purpose of the said subsection.

Establishment of pensions for compulsory contributors and two classes of widows' and dependants' pensions.

2.—(1) The pensions authority shall establish and administer in manner laid down by this Measure the following classes of pensions, namely:—

(*a*) pensions payable under Part I of this Measure to clerks in Holy Orders (herein referred to as Class A contributors) to whom this Measure applies by virtue of Section one of this Measure and who were ordained before the commencement of this Measure;

(*b*) pensions payable under Part II of this Measure to widows and dependants of clerks in Holy Orders to whom that part of this Measure applies; and

(*c*) pensions payable under Part III of this Measure to clerks in Holy Orders (herein referred to as Class B contributors) to whom this Measure applies by virtue of Section one of this Measure and who are ordained after the commencement of this Measure and to the widows and children of such persons;

(*d*) pensions payable to widows and dependants of bishops, priests and deacons pursuant to agreements made with the pensions authority under Part IV of this Measure.

(2) Class A contributors and Class B contributors are in this Measure referred to together as compulsory contributors.

Power to apply Measure to non-contributing pensioners and voluntary contributors.

3.—(1) The pensions authority shall have power to apply this Measure to the following classes of persons, namely:—

(*a*) persons (herein referred to as non-contributing pensioners) who—

(i) are unbeneficed clerks in Holy Orders,

(ii) had attained the age of fifty-five years before the appointed day,

(iii) have held preferment or hold or have held office in the area to which this Measure applies, and

(iv) are disabled by age or infirmity for the due performance of their office;

(*b*) persons (herein referred to as voluntary contributors) who have been but who have ceased to be compulsory contributors and who are either bishops, priests or deacons and are engaged in ecclesiastical, educational, charitable or other public work (either in the area to which this Measure applies or outside) by agreement with such persons.

(2) The provisions of Part V of this Measure shall regulate the application of this Measure to non-contributing pensioners and voluntary contributors.

4. The pensions authority shall in accordance with the provisions of Part VI of this Measure exclude or have power to exclude from the operation of this Measure the persons (herein referred to as excluded persons) more particularly referred to in Part VI of this Measure. Excluded persons.

PART I.

CLASS A CONTRIBUTORS.

5. Every Class A contributor who retires at any time after the appointed day after a qualifying period of pensionable service as defined by this Measure shall be entitled, subject to the fulfilment by him of the conditions laid down by this Measure, to receive a pension under this Part of this Measure during the remainder of his life. Pensions for Class A contributors.

6. Subject to the provisions of this Measure every pension payable to a pensioner who has been a Class A contributor shall be paid at the rate applicable to him under the pension table and pension rules contained in the First Schedule to this Measure: Rates of pension for Class A contributors.

Provided that the pensions authority shall have power to grant to a pensioner who has been a Class A contributor and who has retired before attaining the age of seventy years by reason of permanent disability for the performance of his work or duties such increase of pension as—

(*a*) the amount of any funds applicable for the purpose by reason of the conditions subject to which the same were given or granted will in the opinion of the pensions authority permit, regard being had to existing and future claims upon the said funds, and

(*b*) is in the opinion of the pensions authority urgently required in view of the financial circumstances of the pensioner or of his impaired health:

Provided also that in the event of the death of a pensioner who has been a Class A contributor within twelve months of his entering upon his pension, the pensions authority shall pay to his representative the full pension for one year less any instalment thereof actually received by him but in calculating such full pension the pensions authority shall disregard any augmentation of the pension under section eight of this Measure.

7.—(1) Every Class A contributor shall be liable to make contributions for the purposes of this Measure (herein referred to as contributions) in accordance with the Table contained in the Second Schedule to this Measure and the rules set out in the Third Schedule to this Measure (herein referred to as the contribution rules). Contributions payable by Class A contributors.

(2) The collection of contributions due from Class A contributors shall be effected in accordance with the provisions in that behalf of the contribution rules.

Transition from the Incumbents Resignation Acts, 1871 and 1887.

8.—(1) For the purpose of providing for the transition from the Incumbents Resignation Acts, 1871 and 1887 (herein referred to as the Resignation Acts) to the system of pensions hereby established, the following provisions shall have effect:—

(*a*) In any case where a Class A contributor who was admitted to deacon's orders before the appointed day and is about to retire and is the holder of a benefice held by him continuously since the appointed day and claims in writing addressed to the pensions authority that his pension under this Measure should be augmented, the pensions authority shall if notified by the bishop that the bishop proposes to accept the resignation of such Class A contributor and if of opinion—

(i) that such Class A contributor will upon his retirement be entitled to enter upon the receipt of a pension under this Measure,

(ii) that the annual value of the benefice which he is resigning exceeds five hundred and twenty-five pounds, and

(iii) that one-third of such annual value exceeds the pension under this Measure upon which the retiring incumbent is about to enter,

request the bishop to cause a commission to issue under his hand and seal and the bishop shall cause such commission to issue accordingly;

(*b*) Such commission shall be constituted as if it were a commission under the Resignation Acts and may exercise the powers of such a commission and, so far as circumstances shall permit, shall proceed in manner laid down by the Resignation Acts, but solely for the purpose of determining the questions which, under the provisions of this section, are to be determined by such commission;

(*c*) Every commission under this section shall determine and in their return certify the annual value of the benefice to which the commission relates and also, in any case where—

(i) such annual value exceeds five hundred and twenty-five pounds;

(ii) one-third part of such annual value exceeds the pension under this Measure upon the receipt of which the retiring incumbent concerned is about to enter; and

(iii) such retiring incumbent claims before the commission that his pension under this Measure should be augmented,

whether it is in all the circumstances of the case expedient that any and what augmentation not exceeding such an annual sum as together with such pension will be equal to one-third part of such annual value be granted;

(*d*) In any case where in the return to a commission under this section it is certified that the annual value of the benefice to which the commission relates exceeds five hundred and twenty-five pounds and that in all the circumstances of the case it is expedient that such augmentation as aforesaid be granted the bishop issuing the commission shall by a declaration made, with the necessary modifications, in the same manner and with the like effects as a declaration by a bishop under the Resignation Acts, charge the revenues of the benefice concerned with the payment to the pensions authority for the purposes of this Measure of an annual sum equal to the amount of the augmentation recommended;

(*e*) A charge in favour of the pensions authority created under the provisions of this section shall, subject to the provisions of this section—

(i) have the same incidents as a pension under the Resignation Acts, and accordingly, but without prejudice to any other remedy be recoverable as a debt by the pensions authority, and

(ii) continue for the same period as the pension under this Measure of the retiring incumbent concerned:

Provided that in any case where a pension is suspended under the provisions of Part VII of this Measure, the charge shall cease to have effect as from the suspension of the pension.

(2) In making a declaration under this section, the bishop may insert therein any day not more than three months after the date of such declaration as the day on which the benefice to which such declaration relates shall become void.

(3) For the purposes of this section the annual value of benefices shall be estimated in manner laid down by the Resignation Acts.

(4) The pensions authority shall give notice to the Ecclesiastical Commissioners and to Queen Anne's Bounty of any charge on the revenues of a benefice created under this section, and the Ecclesiastical Commissioners and Queen

Anne's Bounty respectively shall, in any case where the incumbent of the benefice charged is in receipt of any augmentation grant or other moneys from the said Commissioners or from Queen Anne's Bounty, apply the same so far as the same will extend or are required in satisfying such charge:

Provided that no portion of any augmentation grant or other moneys required to meet contributions under this Measure in accordance with the provisions of the contribution rules shall be applied in satisfying any charge created under this section.

(5) In any case where, under the provisions of this section, a commission has certified that it is expedient that such augmentation as aforesaid be granted, and a charge has been created hereunder accordingly the pensions authority shall out of the fund established by this Measure known as the Clergy Pensions Fund augment the pension under this Measure of the pensioner who has retired from the incumbency of the benefice subject to the charge by an annual sum equal to the amount of the charge but only for so long as the charge is subsisting:

Provided that references in the foregoing sub-sections of this section to the pension of a pensioner who is granted augmentation hereunder shall be construed as referring to his pension under this Measure apart from any augmentation of the same under this subsection.

(6) In any case where the revenues of a benefice already charged with a pension under the Resignation Acts become subject to a further charge under this section, such further charge shall be suspended until such pension has determined.

(7) The provisions of the Resignation Acts—

(*a*) relating to the resignation or avoidance of benefices;

(*b*) requiring any consent of a patron;

(*c*) as to the commencement, cesser, diminution, or variation of pensions;

(*d*) as to expenses and costs;

and any other provisions of the said Acts in conflict with the provisions of this Measure shall not apply to commissions issued and charges upon the revenues of benefices created under this section or to pensioners who have held benefices affected by such charges.

(8) The expenses of commissions under this Measure shall be paid by the pensions authority out of the Clergy Pensions Fund according to a scale to be prescribed by the said authority.

(9) Subject to the provisions of this section no pension shall at any time hereafter be granted under the Resignation Acts to an incumbent who has not attained the age of fifty-five years before the appointed day.

(10) A pension under the Resignation Acts shall be deemed to be granted on the day on which the incumbency affected becomes void and such pension commences.

Return of contributions.

9.—(1) Where a Class A contributor dies before entering upon the receipt of a pension under this Measure the pensions authority shall pay to his representatives out of the Clergy Pensions Fund such sum as is laid down by this section.

(2) Where a Class A contributor ceases to be a Class A contributor in such circumstances that he is not entitled to enter immediately upon the receipt of a pension under this Measure, the pensions authority may forthwith at its discretion, and shall upon his attaining the age of seventy years or retiring before attaining that age by reason of permanent disability for the performance of his work or duties in such circumstances as aforesaid pay to him out of the Clergy Pensions Fund, upon an application made by him in such form as the pensions authority shall require, such sum as is laid down by this section:

Provided that in the case of a Class A contributor who becomes a diocesan bishop or a suffragan bishop—

(i) the provisions of this subsection shall not apply;

(ii) the amount of contributions paid by any such person shall be transferred to the Ecclesiastical Commissioners in accordance with the provisions of the Episcopal Pensions Measure, 1945, together with compound interest as therein provided. 8 & 9 Geo. 6. No. 2.

(3) The right to payment created by subsection (1) of this section shall (subject to the provisions of section thirteen of this Measure) be enjoyed by the representatives of every clerk in Holy Orders who dies before entering upon receipt of a pension under this part of this Measure, having been a Class A contributor and without having received any payment from the pensions authority under subsection (2) of this section whether or not he is a Class A contributor at the date of his death and notwithstanding the fact that he may then be an excluded person.

(4) A Class A contributor receiving payment under this section shall cease to have any further rights under this Measure either to receive a pension on retirement, or, if he again becomes a Class A contributor, to have any period before the payment taken into account in calculating his qualifying period of pensionable service or in any other respect.

(5) Provided that any clerk in Holy Orders who has received payment under this section and again becomes a Class A contributor—

(*a*) shall have the right upon repaying to the pensions authority the amount paid to him together with an amount equal to any deduction made from the amount paid to him pursuant to the first proviso to subsection (6) of this section and together with (i) compound interest thereon at the rate of two and a half per cent. per annum (or at such other rate as the pensions authority with the advice of the actuary and the approval of the Church Assembly given by resolution may from time to time determine) with annual rests calculated from the date of payment to him, and (ii) an amount equal to any deduction made from the amount paid to him pursuant to subsection (8) of this section, to be reinstated in the possession of all rights to which he would have been entitled if the return of contributions had never been made; or

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

(6) The sum to be paid under this section shall be—

(*a*) such a sum as shall be equal to the aggregate of all contributions paid by the Class A contributor under this Measure, together with compound interest at the rate of two and a half per cent. per annum (or at such other rate as aforesaid) with annual rests upon each contribution repaid calculated from the date of the payment thereof; or

(*b*) in the case of a Class A contributor admitted to deacon's orders after the thirty-first day of December one thousand nine hundred and twenty-six who has at no time been an excluded person and who dies before he has entered upon the receipt of a pension under this Measure either such a sum as aforesaid or the sum of two hundred pounds, whichever shall be the greater:

Provided that—

(i) in making any such payment the pensions authority shall be entitled to make a deduction from the sum payable of an amount equal to the amount of any income tax payable by the pensions authority in respect of such payment; and

(ii) in the case of a Class A contributor who, having entered upon receipt of a pension under this Measure incurs a suspension thereof, and again becomes a contributor and dies before retiring a second time, the sum payable shall not exceed the aggregate of all contributions paid by such Class A contributor under this Measure since he incurred a suspension of his pension together with compound interest at the rate of two and a half per cent. per annum (or at such other rate as aforesaid) with annual rests upon each contribution paid calculated from the date of the payment thereof.

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

(8) Any arrears of contributions due from a Class A contributor entitled to any payment under this section shall be deducted by the pensions authority from the monies paid together with interest at the rate of five per cent. per annum (or at such other rate as aforesaid) calculated from the respective dates upon which the contributions in arrear were due.

(9) For the purposes of this section contributions paid under an agreement made under the provisions of subsection (2) of section twenty-six of this Measure (or under a reciprocal arrangement made under this Measure) shall be deemed to be contributions paid by a Class A contributor, and all rights conferred by any such agreement or arrangement shall be deemed to be rights arising under this Measure.

PART II.

WIDOWS AND DEPENDANTS OF CERTAIN CLASS A CONTRIBUTORS AND OTHERS.

Application of Part II.

10.—(1) This Part of this Measure shall apply to every clerk in Holy Orders ordained during the period beginning on the first day of July one thousand nine hundred and thirty-six and ending on the thirty-first day of December one thousand nine hundred and forty-seven who either—

(*a*) has become or becomes a Class A contributor while a married man, or

(*b*) has married or marries while a Class A contributor, or

(*c*) being a Class A contributor and unmarried has applied or applies to become a compulsory contributor under this Part of this Measure.

(2) Immediately upon any unmarried clerk in Holy Orders becoming a Class A contributor, the pensions authority shall invite him to apply to become a compulsory contributor under this Part of this Measure.

(3) This Part of this Measure may be applied by agreement to any voluntary contributor ordained during the period mentioned in subsection (1) of this section.

(4) In this Part of this Measure the expression "a compulsory contributor under this Part of this Measure" means any clerk in Holy Orders to whom this Part of the Measure applies, and references to the death of a compulsory contributor under this Part of this Measure shall apply to the death of a clerk who was at any time during his life a compulsory contributor under this Part of this Measure.

Contributions payable under Part II.

11.—(1) The contributions payable under other Parts of this Measure by a compulsory contributor under this Part of this Measure shall as from the date upon which this Part of this Measure becomes applicable to him until he reaches the age of seventy years be increased by an amount determined by his age at the date upon which this Part of this Measure becomes applicable to him in accordance with the table contained in Part I of the Fourth Schedule to this Measure and the notes thereto:

Provided that upon any such quinquennial valuation of the Clergy Pensions Fund as is provided for by subsection (4) of section forty-one of this Measure the actuary may recommend a revised table to be substituted for the aforesaid table, and thereupon the pensions authority may in the prescribed manner substitute such revised table for the aforesaid table, and the table so substituted shall become applicable to all contributions payable under this Part of this Measure as from the date of such substitution.

(2) A clerk in Holy Orders upon or at any time after becoming a compulsory contributor under this Part of this Measure may by agreement with the pensions authority compound for the payment of any increases of contribution payable by him under this Measure by the payment either as a lump sum or in such instalments as may from time to time be determined by agreement with the pensions authority of a sum to be determined by the pensions authority on the advice of its actuary.

(3) In any case where a compulsory contributor under this Part of this Measure either is the holder of a fully paid up policy of assurance issued to him before the date upon which this Measure becomes applicable to him and securing the payment to him upon the attainment of a specified age or to his representatives upon his death of a sum of not less than £200 or is the holder of a policy of assurance issued to him as aforesaid the surrender value of which is not less than £200, the following provisions shall apply if the contributor at any time so requests and if the pensions authority is satisfied

that their application will not render any less secure the provision made under this Part of this Measure for his widow and dependants—

(*a*) the contributor shall not thenceforth be liable to pay any increase of contribution hereunder;

(*b*) he shall forthwith assign and deliver the policy to the pensions authority;

(*c*) the pensions authority shall hold any moneys received in respect of the policy in trust as to such sum (hereinafter in this sub-section called "the specified sum") as will in the opinion of the pensions authority provide the sum of £200 at his death to provide the pension for his widow or dependants provided for by sub-section (1) of section twelve of this Measure or to pay the same to his representatives as provided by sub-section (7) of the said section, and as to the remainder thereof in trust for him or his representatives absolutely:

Provided that if any such fully paid policy secures the payment of a sum in excess of the specified sum or if any such policy has a surrender value in excess of the specified sum then the pensions authority shall have power in their discretion either—

(i) to re-assign forthwith to the contributor the benefit of the excess and for this purpose may enter into any arrangement with the insurance office issuing the policy to give effect to such re-arrangement; or

(ii) to dispense the contributor from his obligation to assign the policy and to accept in place of such assignment a charge on the policy securing the payment to the pensions authority of the specified sum on such terms as to the upkeep of such policy as the pensions authority shall think fit.

(4) In any case where a compulsory contributor under this Part of this Measure is at the date on which this Part of this Measure becomes applicable to him a contributor under some pension or superannuation scheme other than that established by this Measure or the National Insurance Act, 1946, 9 & 10 Geo. 6. c. 67. or any Act amending or replacing that Act which in the opinion of the pensions authority sufficiently secures as from his death the payment to his widow so long as she remains his widow of an annual sum not less than the annual sum which would be payable to her under this Part of this Measure, the contributor shall not be liable to pay any increase of contribution hereunder until such time as in the opinion of the pensions authority the payment to his widow of such annual sum ceases to be sufficiently secured.

(5) Section sixteen of this Measure (save in so far as it excludes the application of section thirteen of this Measure) shall not apply to the case of a clerk who has compounded under subsection (2) of this section or to whom the provisions of subsection (3) thereof have been applied.

(6) The provisions of section nine of this Measure as to the return of contributions during the lifetime of a clerk shall not apply to increases of contribution payable under this part of this Measure.

Pensions payable to widows and dependants.

12.—(1) Subject to the provisions of this Measure, upon the death of a compulsory contributor under this Part of this Measure—

(*a*) if he shall leave a widow, such widow shall receive a pension for life of a capitalised value of £200 at the death of such contributor, in accordance with the scale set out in the table contained in Part II of the Fourth Schedule to this Measure (hereinafter referred to as " the scheduled scale ");

(*b*) if he shall not leave a widow, such dependant as he shall nominate in manner laid down by this section shall receive a pension for life of a capitalised value of £200 at the death of such contributor, according to the scheduled scale.

(2) Every nomination of a dependant for the receipt of a pension under this section shall be made by an instrument in writing under the hand of the clerk upon whose death the pension is to be paid delivered to the pensions authority during the lifetime of such clerk.

(3) A clerk may revoke a nomination by an instrument in writing under his hand delivered to the pensions authority during his lifetime, and shall in such case make and deliver to the pensions authority a nomination replacing that which he has revoked.

(4) In so far as the provisions of an instrument of nomination executed hereunder by a clerk are inconsistent with the provisions of a previous instrument executed by the same clerk the provisions of the later instrument shall prevail.

(5) A clerk may by an instrument or instruments of nomination nominate more than one dependant for the receipt of a pension under this section, and generally make such provisions in favour of dependants in respect of such pension as might lawfully be made by will.

(6) In any case where more than one pension is payable under this section the aggregate capitalised value at the death of the clerk concerned of the pensions so payable shall not, according to the scheduled scale, exceed £200.

(7) Subject to the provisions of this Measure, in any case where a compulsory contributor under this Part of this Measure dies leaving no widow or dependant, the sum of £200 or, where a pension is payable or pensions are payable hereunder, a sum equal to the difference between £200 and the capitalised value at the death of such contributor of such pension or pensions shall be payable to his representatives.

Additional pension payable to widows and dependants of contributors who have not entered upon receipt of a pension under Part I.

13. Subject to the provisions of this Measure, in any case where a compulsory contributor under this Part of this Measure dies leaving a widow or a dependant or dependants and a sum in respect of contributions paid by him to the pensions authority would but for this section be payable to his representatives under section nine of this Measure, such sum shall not be paid to his representatives, but shall be applied by the pensions authority in providing an additional pension for his widow, or if he shall leave no widow, an additional pension or pensions for his dependant or dependants nominated as aforesaid of such an amount that the capitalised value of such pension or pensions at the date of the death of such contributor according to the scheduled scale is equal to the sum payable under the said section nine:

Provided that in any case where a clerk dies leaving no widow and without having exercised his right of nomination in respect of the sum or any part of the sum applicable under this section, such sum or such part thereof shall be payable by the pensions authority to the representatives of such clerk.

Additional pension payable to widows of contributors in receipt of disability pensions.

14. Subject to the provisions of this Measure, in any case where a compulsory contributor under this Part of this Measure, having retired by reason of permanent disability and entered upon receipt of a pension (herein referred to as "a disability pension") before attaining the age of seventy years, dies leaving a widow, such widow shall receive an additional pension for life of a capitalised value of £200 at the death of such contributor, in accordance with the scheduled scale.

Power of pensions authority to commute pension for capital sum.

15. In any exceptional case where the pensions authority is of opinion that a capital sum will be of special benefit to a widow or dependant, the pensions authority may at any time at its sole discretion commute the whole or any part of the pension payable to such widow or dependant under this Part of this Measure for such capital sum as is estimated to be the actuarial equivalent thereof, and shall, if the pensioner is of full age and capable of giving an effective discharge (in which case the commutation shall not be made without the consent of the pensioner) pay to the pensioner the capital sum thereupon payable, and in the case of other pensioners (in whose case the commutation shall not require their con-

sent) shall pay or apply such capital sum for maintenance, education and benefit of the pensioner in such manner as the pensions authority shall think fit.

Preservation of pension rights.

16.—(1) Subject to the provisions of this section, if at any time before a compulsory contributor under this Part of this Measure dies or reaches the age of seventy years he ceases (otherwise than by reason of having entered upon receipt of a disability pension) to be liable to pay contributions then upon the death of such contributor—

(*a*) no pension and no such sum in lieu of pension as is specified in subsection (7) of Section twelve of this Measure shall be payable under this Part of this Measure;

(*b*) the provisions of Section thirteen of this Measure shall not apply.

(2) The foregoing provisions of this section shall not have effect in respect of a clerk who has paid contributions under this part of this Measure for a period or aggregate of periods of not less than two years and who has ceased to be liable to contribute as aforesaid for a period not exceeding one year or such longer period as in any special case the pensions authority shall think fit or in respect of a clerk who has ceased to be liable to contribute as aforesaid—

(*a*) if and so long as such clerk upon ceasing to be so liable agrees to pay annually to the pensions authority by agreement with the authority a sum (hereinafter called " a special voluntary contribution ") equal in amount to that which he was liable to pay by way of increase of contribution under Section eleven of this Measure; or

(*b*) if such clerk after a non-contributing period as hereinafter defined pays to the pensions authority a sum equal to the aggregate of the sums which would have been payable by him by way of increase of contribution under Section eleven of this Measure during such non-contributing period if he had remained liable to contribute as aforesaid, together with interest at the rate of two and one-half per cent. per annum (or at such other rate as aforesaid) with annual rests on each such increase from the date at which the same would have become payable, and so long thereafter as he continues to pay by agreement with the authority a special voluntary contribution annually to the pensions authority:

Provided that—

(i) no clerk shall forfeit his rights under this subsection by reason of ceasing to pay special voluntary contributions either upon reaching the age of seventy years

or upon again becoming liable to pay contributions under other parts of this Measure; and

(ii) for the purposes of this subsection the expression "clerk" shall include a diocesan bishop or suffragan bishop who has at any time during his life been a compulsory contributor under this part of this Measure;

(iii) a diocesan bishop or suffragan bishop who avails himself of the provisions of this subsection shall be deemed to be a clerk for the purposes of Section twelve of this Measure.

(3) If a clerk to whom subsection (1) of this section has become applicable again becomes liable to pay contributions under other parts of this Measure after a non-contributing period in respect of which he has not paid to the pensions authority any such sum as is laid down in paragraph (*b*) of the immediately preceding subsection, any pension or sum payable to his widow or dependants under the preceding sections of this Part of this Measure shall be reduced by such amount as the actuary to the pensions authority shall determine, having regard to the length of such non-contributing period.

(4) For the purposes of this section a non-contributing period shall mean in the case of any clerk to whom subsection (1) of this section has become applicable a period exceeding in length one complete calendar year during which such clerk has not paid a special voluntary contribution and which commences upon the said subsection becoming applicable to him or upon his ceasing to pay special voluntary contributions and terminates either upon his again becoming liable to pay contributions under other parts of this Measure or upon his reaching the age of seventy years, whichever event shall first occur.

PART III.

CLASS B CONTRIBUTORS.

Pensions for Class B contributors.

17. Every Class B contributor who retires at any time hereafter after a qualifying period of pensionable service as defined by this Measure shall be entitled, subject to the fulfilment by him of the conditions laid down by this Measure, to receive a pension under this Part of this Measure during the remainder of his life.

Rates of pension for Class B contributors.

18. Subject to the provisions of this Measure every pension payable to a pensioner who has been a Class B contributor shall be paid at the rate applicable to him under the pension

table and pension rules contained in the First Schedule to this Measure:

Provided that in the event of the death of a pensioner who has been a Class B contributor within twelve months of his entering upon his pension, the pensions authority shall pay to his representatives the full pension for one year less any instalment actually received by him.

Rates of pension for widows and children.

19. Subject to the provisions of this Measure upon the death of a Class B contributor or a pensioner who has been a Class B contributor—

(*a*) if he shall leave a widow, such widow shall receive as from his death during the remainder of her life so long as she remains his widow a pension at the rate of fifty pounds per annum;

(*b*) if he shall leave 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 such child or (if more than one) of each of such children, such pension to commence at the death of the child's father and to continue until the child in question attains the age of eighteen years:

Provided that if for any cause other than retirement with the right to receive an immediate pension under this Measure a Class B contributor ceases to be liable to pay contributions then no widow or child of that contributor shall be entitled to receive any pension under this section, but this provision shall not apply in the case of a widow or child of a contributor who has paid contributions for a period or aggregate of periods of not less than two years and who has ceased to pay contributions for a period not exceeding one year or such longer period as in any special case the pensions authority shall think fit.

Contributions payable by Class B contributors.

20.—(1) Every Class B contributor shall pay yearly contributions at the rate of one shilling for every complete pound of his assessable income:

Provided that a Class B contributor shall be exempt from the payment of contributions so soon as—

(*a*) he has attained the age of seventy years; and

(*b*) his qualifying period of pensionable service amounts to forty years.

(2) The contribution rules set out in the Third Schedule to this Measure shall apply to contributions payable by a Class B contributor and the collection of those contributions.

Contributions not returnable.

21. Contributions paid by a Class B contributor shall in no circumstances (save for the correction of errors in calculating) be repaid to the contributor, but on a Class B contributor

becoming a diocesan bishop or suffragan bishop the pensions authority shall pay to the Ecclesiastical Commissioners a sum equal to three-fifths of the aggregate of the contributions paid by him together with compound interest thereon at the rate of two pounds per cent. per annum (or at such other rate as aforesaid) calculated from the dates of payment thereof.

PART IV.

PENSIONS PAYABLE TO WIDOWS AND DEPENDANTS BY AGREEMENT.

Pensions payable to widows and dependants by agreement.

22.—(1) The pensions authority shall have power to enter into an agreement with any bishop, priest or deacon to whom any other Part of this Measure or the 1930 Measure applies or has applied for the payment of a pension under this Part of this Measure:

Provided that a diocesan bishop or suffragan bishop who avails himself of the provisions of this Part of this Measure shall be deemed to be a clerk for the purposes of this Part of this Measure.

(2) Any pension or right arising under an agreement made under this Part of this Measure in favour of a clerk or a widow or dependant of such clerk shall be enjoyed by such clerk or other person in addition to and not in lieu of any pension or right arising in his or her favour under any other Part of this Measure.

Provisions applicable to such pensions.

23.—(1) The following provisions shall be applicable to any such pension—

(*a*) the pension shall commence at the death of the clerk concerned;

(*b*) the pensioner must be either the widow or a dependant of such clerk (but so that a clerk may enter into agreements providing for pensions both for a widow and for one or more dependants);

(*c*) the consideration shall in every case be actuarially adequate, and may consist either of periodical or other contributions in money or (notwithstanding any of the provisions of any statute or measure relating to pensions for the clergy making pensions inalienable) of a surrender by the clerk concerned to the pensions authority of any part of his rights to a return of contributions or a pension under any other

Part of this Measure, or to an older incumbent's pension as defined by the 1930 Measure:

Provided that—

(i) no clerk shall surrender such a proportion or his prospective right to such a proportion of a pension as would in the opinion of the pensions authority, 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 his prospective right to more than one-half thereof;

(ii) no such prospective right to a pension shall be surrendered except in contemplation of the retirement of the clerk concerned and if his retirement shall not take place within three months from the surrender such surrender shall be void;

and

(iii) no charge on the revenues of any benefice arising or to arise under section eight of this Measure, or under the Resignation Acts as modified by the 1930 Measure, shall be affected in respect of its amount or duration by any surrender under this section, and the annual sums derived from any such charge shall be payable in full to the pensions authority as before the passing of this Measure;

(iv) in the case of a Class B contributor who becomes a diocesan bishop or a suffragan bishop the bishop shall be deemed to have already paid as part of the consideration for a pension under this Part of this Measure a sum equal to one-tenth of the aggregate of contributions paid by him (calculated without interest) under Part III of this Measure.

(*d*) the pension agreement may apply with or without modification any of the provisions of Part II of this Measure as to the nomination of dependants or as to the commutation of pensions or any other of the provisions of Part II of this Measure that may be applicable.

(2) Any agreement made under this Part of this Measure may be modified by the substitution of one beneficiary for another or otherwise by agreement between the pensions authority and the clerk concerned.

PART V.

NON-CONTRIBUTING PENSIONERS AND VOLUNTARY CONTRIBUTORS.

Pensions for non-contributing pensioners.

24. Every non-contributing pensioner shall receive such pension under this Part of this Measure as subject to the provisions of this Measure may be granted to him by the pensions authority.

Pensions to be according to system of Ecclesiastical Commissioners.

25. In the granting and payment of pensions to non-contributing pensioners the pensions authority shall subject to the provisions of this Measure so far as practicable maintain and continue the system of pensions for clergymen established by the Ecclesiastical Commissioners before the appointed day and shall in administering the said system of pensions conform, so far as is possible, to the settled practice of the said Commissioners and to clauses thirteen and fourteen of the Regulations made by them dated the twenty-fifth day of February one thousand nine hundred and fifteen.

Agreements with voluntary contributors.

26.—(1) In applying this Measure to a voluntary contributor by agreement the pensions authority may by such agreement provide that this Measure shall apply without modification or with such modifications as it may in its discretion think fit.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section the pensions authority shall have power in its discretion to provide in an agreement entered into with a voluntary contributor—

(*a*) for the payment to him of a pension at the rate which would have been payable had he continued to be a compulsory contributor and for this purpose to treat the time during which he is a voluntary contributor as part of his qualifying period of pensionable service as defined by this Measure;

(*b*) in the event of his again becoming a compulsory contributor that—

(i) the time during which he was a voluntary contributory shall be deemed to be and be calculated as part of his qualifying period of pensionable service as defined by this Measure;

(ii) all contributions theretofore paid by him as a voluntary contributor shall be treated as contributions made by a compulsory contributor under this Measure, and shall be dealt with accordingly.

(3) Every voluntary contributor shall pay to the pensions authority such contributions as shall be provided for by his agreement with the said authority.

PART VI.

EXCLUDED PERSONS.

Persons who may be excluded.

27.—(1) The pensions authority shall have power to exclude from the provisions of this Measure any clerk in Holy Orders who shall—

(*a*) have attained the age of forty-two years before the appointed day;

(*b*) make an application for such exclusion; and

(*c*) prove to the satisfaction of the pensions authority that there is secured to him a provision for his maintenance which will be available in the event of his retirement, and which will be at least equal in value to the pension which would become payable to him under this Measure if he were not excluded from the provisions thereof immediately on becoming entitled to enter on receipt of a pension hereunder.

(2) The pensions authority shall also have power to exclude from the provisions of this Measure any clerk in Holy Orders who by reason of his age either is at the date when this Measure first becomes applicable to him or becomes at any subsequent date unable to complete a qualifying period of pensionable service until after attaining the age of seventy years:

Provided that the pensions authority shall not exclude any clerk in exercise of this power unless the pensions authority is satisfied that there is secured to him a provision for his maintenance which will be available in the event of his retirement, and which will be at least equal in value to the pension which, if he were not excluded from the provisions of this Measure, would become payable to him under this Measure in the event of his retiring upon having performed a qualifying period of pensionable service consisting of fifteen years.

Persons with right to be excluded.

28.—(1) This Measure shall not apply to such clerks in Holy Orders as are upon their own application excluded from the provisions thereof on the ground that they are entitled to not less than equivalent benefits under some pension or superannuation scheme approved by the pensions authority other than that established by this Measure, or on the ground that they are members of a religious community the rules of which secure that its members shall be adequately provided for until death out of the funds of such community.

(2) The pensions authority shall accede to any application for exclusion made under subsection (1) of this section on being satisfied that either of the grounds for exclusion therein mentioned exist in the case of the clerk in Holy Orders

making such application, and such clerk shall thereupon be excluded from the provisions of this Measure (other than the provisions of subsection (3) of section nine of this Measure) until such time as either—

(*a*) in the opinion of the pensions authority the grounds for excluding him shall have ceased to exist, or

(*b*) the pensions authority shall have entered into an agreement with him that such exclusion shall be terminated, whichever of such events shall first occur.

(3) On an excluded person becoming a compulsory contributor or being readmitted he may pay to the pensions authority such sum (if any) or any part thereof as he may receive by way of return of contributions under any pension or superannuation scheme membership of which was the ground for his exclusion from the provisions of this Measure and in consideration for such payment the pensions authority shall credit him with a qualifying period of pensionable service of such length as having regard to the amount of such payment the pensions authority shall consider fair.

PART VII.

CONDITIONS REGULATING PAYMENT OF PENSIONS.

Qualifying period of pensionable service.

29.—(1) For the purposes of this Measure the expression " a qualifying period of pensionable service " means, a period of, or a succession of periods (either with or without intervals) amounting in the whole to not less than, fifteen years, and consisting of the aggregate of—

(*a*) any period before the appointed day during which a compulsory contributor has within the area to which this Measure applies served as a clerk in Holy Orders in such a capacity as to bring him within the scope of subsection (1) of section one of this Measure;

(*b*) any period before the appointed day during which a compulsory contributor has outside the area to which this Measure applies served as a clerk in Holy Orders in such a capacity as would, had his service been within that area, have brought him within the scope of subsection (1) of section one of this Measure;

(*c*) the period or periods after the thirty-first day of December one thousand nine hundred and twenty-six in respect of which such compulsory contributor has paid or become liable to pay contributions or instalments of contributions under this Measure;

(*d*) any period after the thirty-first day of December one thousand nine hundred and twenty-six during which a compulsory contributor who had served within the

area to which this Measure applies but was outside that area on the appointed day has served as a clerk in Holy Orders in such a capacity as is mentioned in paragraph (*b*) of this subsection without returning within that area;

(*e*) any other period during which such compulsory contributor has, either in the area to which this Measure applies or outside, served as a clerk in Holy Orders, and in respect of which he has under an agreement made with the pensions authority paid to the pensions authority such a sum as the pensions authority may require not exceeding the actuarial equivalent of the cost of the addition of such period to his qualifying period of pensionable service;

(*f*) any period before the appointed day, not being a period described in paragraphs (*a*) or (*e*) of this subsection, during which a compulsory contributor has within the area to which this Measure applies rendered such service as the pensions authority shall think fit to take into account in calculating the qualifying period of pensionable service of such compulsory contributor;

(*g*) any period between the fourth day of August, one thousand nine hundred and fourteen, and the thirty-first day of August one thousand nine hundred and twenty-one, and after the admission to deacon's orders of the compulsory contributor concerned (not being a period described in the preceding paragraphs of this subsection), during which a compulsory contributor either within the area to which this Measure applies or outside served as a member of His Majesty's Forces or was engaged in such war service as the pensions authority shall think fit to take into account in calculating the qualifying period of pensionable service of such compulsory contributor;

Provided that no such period as is mentioned in any of the preceding paragraphs shall be taken into account in calculating the qualifying period of pensionable service of a compulsory contributor if it is a period or part of a period of service under any civil or other authority which entitles the compulsory contributor concerned to a pension under any pension or superannuation scheme other than that established by this Measure, unless during the period in question the compulsory contributor has paid in full contributions under this Measure.

(2) For the purposes of this Measure the expression " a period of pensionable service " shall mean any such period as is described in paragraphs (*a*) to (*g*) of subsection (1) of this section, or, where more than one such period has been completed by a compulsory contributor, the aggregate of the periods so completed, and in relation to a compulsory contributor who has at any time been the subject of a reciprocal arrangement (within the meaning of this Measure) shall include such period as the pensions authority shall think fit.

Application for pension.

30. Subject in the case of a non-contributing pensioner or of a voluntary contributor to the terms and conditions upon which his pension is granted or agreed to be paid by the pensions authority, no clerk in Holy Orders shall be entitled to enter upon receipt of a pension under this Measure who has not before retirement made application to the pensions authority in the form contained in the Fifth Schedule to this Measure or in such other form as the pensions authority may determine with the approval of the Church Assembly given by resolution:

Provided—

(*a*) that in any case where a clerk in Holy Orders is incapacitated from making such application in person the pensions authority may authorise any other person to make such application on his behalf;

(*b*) that in any case where no application is made under this section until a date subsequent to the date of retirement, then—

(i) if the applicant proves to the satisfaction of the pensions authority that such delay in making application was not due to any fault on the part of the clerk in Holy Orders on whose behalf the application is made, such clerk shall be entitled to receive the pension to which he would have been entitled, as from the date from which he would have been entitled to receive it, had the application been made before retirement;

(ii) if the applicant does not prove to the satisfaction of the pensions authority that such delay in making application was not due to any fault of the clerk in Holy Orders on whose behalf the application is made, such clerk shall be entitled to receive the pension to which he would have been entitled had the application been made before retirement, as from the date of such application or the date of his attaining the age of seventy, whichever shall be the later, or from such earlier

date (not being a date earlier than the date of retirement) as the pensions authority shall think fit.

Conditions for the receipt of pensions.

31. Subject in the case of a non-contributing pensioner or of a voluntary contributor to the terms and conditions upon which his pension is granted or agreed to be paid by the pensions authority, and subject to the provisions of subsection (1) of section thirty-two of this Measure every recipient of a pension under this Measure (herein referred to as a pensioner) must continue in retirement:

Provided that no clerk in Holy Orders shall be deemed to have retired or to be in retirement—

(*a*) if and so long as he is engaged in rendering ecclesiastical service or holds an educational, charitable, or public post in circumstances which bring him within the provisions of subsection (1) of section one of this Measure; and

(*b*) unless he has attained the age of sixty-five years or such lesser age as the pensions authority may with the approval of the Church Assembly given by resolution hereafter appoint, or alternatively have retired by reason of permanent disability for the performance of his work or duties.

Suspension and recovery of right to pension.

32.—(1) Every recipient of a pension under this Measure shall upon his ceasing to continue in retirement incur a suspension of such pension, and such pension shall cease to be payable as from the date of his so ceasing; save in exceptional cases where the bishop of the diocese in which the pensioner is rendering ecclesiastical service, with the concurrence of the pensions authority, certifies in writing to the pensions authority that no suspension shall be incurred:

Provided that no pensioner shall, without incurring a suspension of his pension, be instituted and inducted to a benefice.

(2) Any recipient of a pension under this Measure who shall have incurred suspension of his pension under this section by reason of his not having continued in retirement shall upon his retiring subsequently to such suspension, if upon such subsequent retirement he satisfies the conditions contained in section thirty-one of this Measure, be reinstated as recipient of the pension so suspended, and the pensions authority shall add to the qualifying period of pensionable service in respect of which such pension is payable any period of pensionable service as defined in this Measure completed by such recipient after such suspension as aforesaid and shall recalculate the

rate at which such pension is payable accordingly and shall pay to him a pension at the rate so determined during such time as he shall continue in retirement:

Provided that in any case where the result of the recalculation provided for in this subsection is to reduce the rate at which a pension was payable to the recipient concerned at the date of such suspension as aforesaid (herein referred to as " the original rate ") the pensions authority shall pay to such recipient on reinstatement a pension at the original rate.

Payment and application of pensions.

33.—(1) Subject to any agreement with a voluntary contributor made hereunder, every pension under this Measure shall be by way of annuity accruing from day to day and payable (subject to any necessary apportionment) by equal quarterly instalments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year.

(2) Subject to the provisions of this Measure, a pension under this Measure shall be incapable of being assigned, charged, or anticipated, and every purported assignment of or charge upon the same shall be void, and the same shall not pass to any trustee in bankruptcy of the pensioner:

Provided that a pensioner may by an instrument in writing signed by him and delivered to the pensions authority resign his pension or any part thereof and upon such resignation his pension shall determine accordingly in whole or in part.

(3) Subject to the provisions of this Measure, where a pensioner is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930, as amended by any enactment, or is an inmate of a mental hospital as a temporary patient or voluntary patient, the pensions authority may pay the whole of the pension, or so much thereof as it thinks fit, to the institution or person having the care of the pensioner, and may pay or apply the whole, or so much as it thinks fit, of the surplus (if any) thereof to or for the maintenance or benefit of the spouse or children or remoter issue of the pensioner or any other persons who, in the opinion of the pensions authority, are normally dependent on the pensioner.

(4) Subject to the provisions of this Measure, where a pensioner is, in the opinion of the pensions authority, through mental infirmity incapable of managing his affairs, the pensions authority may pay or apply the whole, or so much as it thinks fit, of the pension to or for the maintenance or benefit of the pensioner or of his spouse or children or remoter issue or of any other persons who, in the opinion of the pensions authority, are normally dependent on the pensioner.

(5) Not less than fourteen days before exercising for the first time in relation to any pensioner its power under this section the pensions authority shall give to the Master in Lunacy notice in writing of its intention, specifying the name and address of the pensioner and the amount of the sum in respect of which the pensions authority intends to exercise the said power, and in relation to any pensioner to whom subsection (4) of this section applies the pensions authority shall at the same time give notice in writing to the pensioner in a form approved by the Master in Lunacy:

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

(6) If at any time the Master in Lunacy gives to the pensions authority notice in writing that he objects to the exercise by the pensions authority of the said power in relation to any pensioner, the said power shall as from the date of receipt of the notice by the pensions authority cease to be exercisable by the pensions authority in relation to that pensioner unless and until the Master withdraws the notice.

(7) Provided that no instalment of a pension shall be paid to a pensioner or appled under the provisions hereof if and so long as there are any arrears of contributions due under this Measure, or under any agreement made hereunder from such pensioner to the pensions authority, and the pension of such pensioner shall for such period as may be necessary be retained by the pensions authority and applied in discharging the said arrears, together with interest at the rate of five per cent. per annum (or at such other rate as aforesaid), calculated from the respective dates upon which the contributions in arrears were due.

Payment and application of pensions to widows, children and dependants.

34.—(1) The provisions of section thirty-three of this Measure shall apply to every pension payable to the widow or for the benefit of a child of a class B contributor and to every pension payable under Part II of this Measure or under an agreement made under Part IV of this Measure with the following modifications:—

(*a*) A pensioner in receipt of a pension under Part II of this Measure, or under an agreement made under Part IV of this Measure, may, if of full age and of sound mind, by an instrument in writing signed by the pensioner and delivered to the pensions authority, resign such pension or any part thereof and upon such resignation such pension shall determine accordingly in whole or in part.

(*b*) Every pension payable to or for the benefit of a person who is under the age of twenty-one years shall be paid by the pensions authority to the parents or guardians of the person in question or to such other person or persons in whose company or under whose care or with whom the person in question may from time to time be residing as the pensions authority shall think fit and the recipient or recipients of the pension may at their discretion pay all or any part thereof to the person in question (notwithstanding infancy) for his or her own absolute use and benefit and shall pay or apply the remainder thereof for or towards the maintenance education or benefit of the person in question in such manner as the recipient or recipients think fit.

(*c*) The provisions of subsection (4) of section thirty-three of this Measure shall extend so as to authorise the retention of instalments of the pension of a widow child or dependant in any case where arrears of contributions are due from the estate of the deceased clerk concerned:

Provided that—

(i) the pensions authority shall have power to waive wholly or partly the right to recover such arrears or to provide for meeting the same and the interest thereon by a reduction of the pension payable for such period as the pensions authority may deem necessary;

(ii) in any case where the pensions authority is by this section authorised to retain or reduce instalments of pensions payable to more than one person the burden of such retention or reduction shall be distributed rateably by the pensions authority among such persons in proportion to the amounts of such pensions.

(2) Subject to the provisions of this section this Part of this Measure shall not apply to pensions payable to widows, children or dependants.

PART VIII.

PENSIONS AUTHORITY AND PENSIONS FUNDS.

Pensions Authority.

Pensions authority.

35. There shall be a pensions authority consisting of a chairman nominated by the Church Assembly and from twenty-one to twenty-four members nominated 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:

Provided that where the whole number of the members elected by the Church Assembly is for the time being not an even number, such of the said members as are ordinarily resident in either province may exceed such of the said members as are ordinarily resident in the other province by one.

(*b*) Five members shall be nominated by the Ecclesiastical Commissioners.

(*c*) Such other members (if any) not exceeding three as shall for the time being have been elected by the Church Assembly from among the beneficiaries of the Clergy Pensions Institution:

Provided that the number of members to be elected under this paragraph shall be reduced as follows:—

(i) at the first election to be held after the total number of the beneficiaries of the Institution in existence on the appointed day is reduced by reason of death or otherwise by four thousand, the number of members elected under this paragraph shall be reduced to two.

(ii) at the first election to be held after the total number of the said beneficiaries is reduced in manner aforesaid by six thousand inclusive of the previous reduction, the number of members elected under this paragraph shall be reduced to one, and

(iii) when and so 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.

Incorporation of authority.

36.—(1) The pensions authority shall be a body corporate by the name of "The Church of England Pensions Board," and shall have perpetual succession and a common seal and may acquire and hold land for the purposes of its powers and duties without any licence in mortmain.

(2) Impressions of the common seal of the pensions authority shall be judicially noticed and admitted in evidence.

Tenure of offices of members.

37.—(1) The term of the office of the chairman of the pensions authority shall be determined by the Church Assembly.

(2) Members of the pensions authority shall subject to the provisions of this section hold office for six years:

Provided that in the event of delay elected members of the pensions authority shall notwithstanding the expiration of the period for which they were elected continue to hold office until the election of their successors.

(3) Any person who was elected or nominated as chairman or as a member of the pensions authority under any Measure repealed by this Measure and who is chairman or a member immediately before the commencement of this Measure shall continue in office as if he had been elected or nominated under this Measure on the day on which he was elected or nominated under any such repealed Measure.

(4) A casual vacancy occurring among the members of the pensions authority nominated by the Ecclesiastical Commissioners shall be filled as soon as possible by the Ecclesiastical Commissioners and any other casual vacancy shall be filled as soon as possible by the Standing Committee of the Church Assembly from among those who have the same qualifications as the member replaced.

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

(6) Members of the pensions authority vacating office shall be eligible for re-election or re-nomination.

(7) The chairman or any member of the pensions authority may for good cause be removed from office by the body by whom he was elected or nominated.

Quorum.

38. Seven members of the pensions authority shall constitute a quorum.

Powers and duties.

39.—(1) The powers and duties of the pensions authority (which may be exercised and discharged notwithstanding any vacancy in the membership of the authority) shall be—

(*a*) to control and administer the system of pensions hereby established;

(*b*) to enter into agreements for the receipt and payment of actuarial equivalents of any contributions or pensions under this Measure;

(*c*) to make provision for the working expenses of the authority with power (subject as by this Measure otherwise expressly provided) to determine out of what moneys any particular expenses ought to be paid;

(*d*) to borrow money for the purposes of this Measure and to secure the same upon the Clergy Pensions Fund hereby established or any of its assets;

(*e*) subject to the provisions of this Measure, to make standing orders governing and otherwise to regulate the conduct of the business of the authority;

(*f*) to decide questions and appeals under this Measure;

(*g*) to appoint such officers and servants as may be necessary for the purpose of carrying this Measure into effect, and to determine their duties and remuneration;

(*h*) to appoint such committees consisting of members of the authority as the authority may consider desirable, and, subject to the provisions of this Measure, to delegate to such committees any powers and duties of the authority;

(*i*) to appoint any persons or any body of persons, whether members of the pensions authority or not, to act upon such terms and conditions as may be laid down by the pensions authority as local committees for any areas, whether dioceses or not, and subject to the provisions of this Measure to delegate to such committees any powers and duties of the pensions authority;

(*j*) to acquire by way of gift, devise or purchase and to hold any building or land fit to be used as or be converted into a home for the residence of pensioners and their wives, widows and dependants and to manage any such home:

Provided that no moneys shall be applied in connection with the acquisition of any such buildings or land or the conversion or repair of any such buildings or land except moneys forming part of the funds specified in sections forty-two and forty-three hereof or of one of those funds and which under the provisions of those sections may be so applied;

(*k*) in relation to any land held by the pensions authority for the purposes of their powers and duties to exercise all the powers which are by the Settled Land Act, 1925 conferred on a tenant for life or the trustees of a settlement;

15 Geo. 5. c. 18.

(*l*) to acquire by way of gift or bequest from any person or corporation or by way of transfer from the Ecclesiastical Commissioners or the Clergy Pensions Institution investments of any kind and to allow the same or any of them or any part or parts thereof respectively to remain in the actual state of investment thereof so long as the pensions authority may think fit;

(*m*) to sell, call in or convert into money investments acquired under the foregoing sub-paragraph or any of them or any part thereof respectively;

(*n*) to invest the moneys produced by such sale, calling in or conversion and any other moneys which may be received by the pensions authority in the name of the pensions authority in any manner authorised by section forty of this Measure and to vary or transpose any investments into or for any other or others of any nature therein authorised and to vary the terms of a property comprised in any security;

(*o*) to make regulations for prescribing anything which is to be prescribed under this Measure, and generally for the purpose of carrying this Measure into effect:

Provided that no regulation made by the pensions authority under this Measure shall come into force until it has been submitted for approval to and approved by the Church Assembly.

(2) A copy of every regulation purporting to be made in pursuance of this section which affects the existing legal rights of any person shall be laid before each House of Parliament as soon as may be after the making thereof and if either House within the period of forty days beginning with the day on which the copy is laid before it resolves that the regulation be annulled it shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new regulation. In reckoning for the purposes of this subsection any period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

Investment powers.

40.—(1) Moneys in the hands of the pensions authority (including moneys held by them pursuant to the provisions of the 1930 Measure) requiring investment may be invested in any manner hereinafter mentioned, namely:—

(*a*) In any of the public stocks or funds or Government securities of the United Kingdom or India or any British Colony or any foreign Government or State or any securities the capital of or interest on which are or shall be guaranteed by Parliament.

(*b*) Upon the security of freehold leasehold or chattel real properties in Great Britain but not in Ireland including first charges registered under the Land Registration Act 1925 on freehold or leasehold properties in England such leaseholds or chattels real having not less than sixty years to run at the time of such investment being made or on mortgage of or on such first registered charge as aforesaid on leaseholds having any term of years to run together with a sinking fund

15 Geo. 5. c. 21.

policy at an annual premium securing the payment on or before the expiration of the term of a sum not less than twenty per centum larger than the sum lent.

(*c*) In the purchase of freehold ground rents or freehold fee farm rentcharges in England Wales or Scotland.

(*d*) In or upon Metropolitan Stock or London County Stock or Stock of the Corporation of the City of London.

(*e*) In or upon the debentures debenture stock or rent charge or guaranteed or preference stock or shares of any company incorporated by Special Act or by or under any public general act or acts of the Imperial Parliament or the legislature of any British Colony or Royal Charter.

(*f*) In or upon any stock or shares of any such Company a fixed or minimum rate of interest or dividend on which is or shall be guaranteed by the Government of the United Kingdom or India or any British Colony or any foreign Government or State.

(*g*) In or upon the debentures debenture stock obligations or securities of any foreign railway company or

(*h*) In or upon the stocks funds debentures or securities of any public municipal or local body, board or authority in the United Kingdom or India or any British Colony or any foreign country.

(*i*) In deferred annuities purchased by annual premiums in any life assurance office.

(*j*) In or upon any other stocks funds or securities for the time being authorised by law for the investment of trust funds.

Provided always as follows:—

(*a*) that no money shall be invested in any stocks funds bonds shares or securities to bearer or transferable by mere delivery or delivery and endorsement though coming within the general description of investments hereinbefore authorised.

(*b*) that moneys may be invested in any of the investments or securities hereinbefore mentioned notwithstanding the fact that the same may be redeemable and that the price exceeds the redemption value and in relation to such investments or securities the restrictions imposed by the Proviso to subsection (1) of section two of the Trustee Act 1925 may be disregarded.

15 Geo. 5. c. 19.

(*c*) that in this section the expression "British Colony" shall not include Eire but with this exception shall include every Commonwealth Dominion Colony or

Dependency which forms part of the British Empire and also every province or state which forms part of any such Commonwealth Dominion Colony or Dependency and has a separate local legislature.

(2) The pensions authority, lending money on the security of any property on which it can lawfully lend, may contract that such money shall not be called in during any specified period from the time when the loan was made, provided interest be paid within a specified time not exceeding thirty days after every half-yearly or other day on which it becomes due, and provided there be no breach of any covenant by the mortgagor contained in the instrument of mortgage or charge for the maintenance and protection of the property.

Pensions Funds.

Clergy Pensions Fund.

41.—(1) For the purposes of this Measure the pensions authority shall establish, control and manage a fund called "The Clergy Pensions Fund," to the credit of which all moneys, investments and property derived from the several sources mentioned in Section forty-four hereof and all sums received by the pensions authority pursuant to the provisions of the 1930 Measure shall be paid and transferred and out of which all disbursements for the purposes of this Measure (other than those made under the provisions of Sections forty-two and forty-three hereof) or the 1930 Measure shall be made.

(2) All moneys paid into the Clergy Pensions Fund which are derived from contributions by compulsory contributors and voluntary contributors or (subject to the provisions of Sections forty-two and forty-three hereof) any other moneys which under the provisions of this Measure or the 1930 Measure or the conditions of any gift or grant to the pensions authority are applicable exclusively or primarily for a particular purpose or are subject to any charge shall respectively be carried to separate accounts, to which distinct assets and investments shall be allocated: save that moneys derived from contributions by compulsory contributors and voluntary contributors respectively shall be carried to the same account:

Provided that in the case of moneys paid into the Clergy Pensions Fund for the general purposes thereof or in respect of which no special allocation shall be directed the pensions authority shall have power to allocate such moneys to such account as it shall in its discretion determine.

(3) The Board of Trade shall from time to time appoint an auditor of the Clergy Pensions Fund and of the other funds hereby established and fix his remuneration, and such auditor shall hold office so long as the Board of Trade think fit, and shall audit the accounts of the Clergy Pensions Fund and of the other funds at such times, and make reports to

the Church Assembly upon the accounts examined by him in such form, as the Board of Trade may direct.

(4) The pensions authority shall present annually to the Church Assembly a report showing the working of the Clergy Pensions Fund, and of the funds specified in Sections forty-two and forty-three hereof, and there shall be a special audit and valuation of the Clergy Pensions Fund by an actuary once at least in every five years from the appointed day, whereupon a report shall be presented to the Church Assembly.

Clergy Pensions Augmentation Fund.

42. The pensions authority shall also establish a separate fund called " the Clergy Pensions Augmentation Fund " consisting of any testamentary or other gifts made to the pensions authority, and subject to any conditions imposed by the testators or other donors may, at the discretion of the pensions authority, apply such fund or any part thereof—

(*a*) for the relief of poverty in the case of any bishop, priest or deacon or the widow, child or dependant of any bishop, priest or deacon; or

(*b*) for the acquisition and maintenance of any land or building and for the conversion and repair of any building used or to be used for the purposes mentioned in paragraph (*j*) of Section thirty-nine of this Measure.

Clergy (Widows and Dependants) Pensions Augmentation Fund.

43. The pensions authority shall also establish a separate fund called " the Clergy (Widows and Dependants) Pensions Augmentation Fund " for the benefit of widows and dependants of bishops, priests and deacons consisting of testamentary or other gifts made to the pensions authority for their benefit and shall administer the same in accordance with the provisions of a scheme for the application of such fund already approved by the Church Assembly:

Provided that with the previous approval of the Church Assembly given by resolution the pensions authority shall have power from time to time to modify such scheme.

Sources of Pensions Fund.

44. Subject to the provisions of this Measure the moneys required for pensions payable hereunder for the working expenses of the pensions authority and otherwise for carrying this Measure into effect (herein referred to collectively as the purposes of this Measure) shall be derived from contributions made under the provisions hereof and of any agreement made hereunder by persons to whom this Measure applies, and from the following moneys, investments and property—

(*a*) moneys received by the pensions authority from the Central Board of Finance of the Church of England (herein referred to as the Central Board):

(*b*) capital and other moneys payable to the pensions authority under the provisions of this Measure or the 1930 Measure by the Ecclesiastical Commissioners;

(*c*) any moneys payable, transferable or assignable to the pensions authority by the Clergy Pensions Institution under the provisions of this Measure or otherwise;

(*d*) any grants made to the pensions authority for the purposes of this Measure by the Ecclesiastical Insurance Office, Limited;

(*e*) charges upon the revenues of benefices created under the provisions of section eight of this Measure or under the provisions of the Resignation Acts or the 1930 Measure or any of them.

Grant by the Church Assembly.

45. The Church Assembly shall make provision for the payment by the Central Board to the pensions authority for the purposes of this Measure out of moneys subject to the disposition of the Church Assembly of an annual sum of not less than fifty thousand pounds.

Grants by the Ecclesiastical Commissioners.

46.—(1) The Ecclesiastical Commissioners shall, out of their Common Fund, pay or transfer to the pensions authority for the purposes of this Measure the sum of one hundred thousand pounds in each year.

(2) The Ecclesiastical Commissioners shall have power to make from time to time to the pensions authority for the purposes of this Measure grants out of their Common Fund of such amounts as they may deem expedient.

Clergy Pensions Institution.

47.—(1) The Clergy Pensions Institution (in this section referred to as " the Institution ") shall continue to be an incorporated company, but as from the appointed day—

(*a*) all past members of the Institution shall be exonerated and discharged from all liability to contribute to the assets of the Institution in the event of the same being wound up;

(*b*) the members from time to time of the pensions authority shall be the members of the Institution and in lieu of any guarantee by the members there shall be contributed to the assets of the Institution out of the Clergy Pensions Fund hereby established, in the event of the Institution being wound up for payment of its debts and liabilities, and of the costs, charges and expenses of the winding up, such amount as may be required not exceeding five thousand pounds;

(*c*) the undertaking of the Institution shall be continued but solely for the purpose of fulfilling the engagements and liabilities of the Institution existing on the thirty-first day of December one thousand nine 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;

(*d*) all powers vested in the directors under the Memorandum and Articles of Association of the Institution, and the Rules shall be vested in and exerciseable by the pensions authority; and

(*e*) 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, one thousand nine hundred and twenty-six, shall be granted upon the footing of the rates of augmentation adopted by the Institution and the conditions governing the grant of augmentation in the year one thousand nine 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 commencement of the appointed day, be paid or credited to any beneficiary who is a class A contributor 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 a class A contributor 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 same shall, notwithstanding such repayment, reduction or discontinuance, be entitled to receive the same augmentation as he would have received if such repayment, reduction, or discontinuance had not been effected;

(*d*) the Clergy Pensions Fund established by this Measure shall stand charged in priority to all other liabilities and obligations of the fund 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;

(*e*) as from the commencement of the appointed day 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.

(3) On the first day of January one thousand nine hundred and fifty-two and at the expiration of every period of five years calculated therefrom, a special consolidated audit and valuation of the assets and liabilities of the Institution and of the Clergy Pensions Fund hereby established respectively shall be held and made by an actuary and the auditor for the time being of the Clergy Pensions Fund, and if, upon such audit and 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, such surplus shall be paid and transferred by the Institution to the pensions authority for the purposes of this Measure; but if upon such audit and valuation it shall appear and if the actuary shall certify that the assets of the Clergy Pensions Fund are insufficient to discharge the liabilities imposed thereon under this Measure, including the guarantee created by this section, the actuary shall certify what provisions are necessary to make good the deficiency so as to make effective the guarantee created by this section, and such provisions shall be made and given effect to in accordance with such certificate.

(4) If upon the winding up or dissolution of the Institution there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall be transferred to the pensions authority for the purposes of this Measure.

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

(6) Such alterations shall be introduced into the articles of association of the Institution and the rules as will bring the same respectively into conformity with the provisions of this section.

(7) Any monies 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 forty 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.

These powers shall be in addition to the powers referred to in paragraph (*d*) of subsection (1) of this section.

Application of surplus and in case of 1930 Measure provision for deficit.

48. If at any time it shall appear to the pensions authority after the audit and valuation hereinbefore provided for that the Clergy Pensions Fund is more than sufficient to discharge the liabilities imposed thereon under this Measure and the 1930 Measure, the pensions authority may direct subject to the approval of the Church Assembly given by resolution the application of the surplus or of any part thereof for any purpose which in the opinion of the pensions authority is beneficial to the persons to whom this Measure or the 1930 Measure applies or any of them or to the widows, children or dependants of such persons or any of them:

Provided that—

(*a*) so far as any such surplus represents moneys received under the provisions of the 1930 Measure such surplus may be transferred to the Ecclesiastical Commissioners; and

(*b*) if upon such audit and valuation it shall appear and if the actuary shall certify that the assets of the Clergy Pensions Fund applicable for the purposes of the 1930 Measure are insufficient to provide for those purposes then the Ecclesiastical Commissioners shall pay to the pensions authority such sum as the actuary shall certify to be necessary to make good such insufficiency.

PART IX.

MISCELLANEOUS.

Supplementary pensions.

49. For the purpose of providing for the payment of supplementary pensions to certain persons in receipt of pensions under this Measure or under the 1930 Measure the provisions set out in the Sixth Schedule to this Measure shall have effect.

Reciprocal arrangements with other Churches.

50.—(1) The pensions authority may enter into reciprocal arrangements with the authority controlling and administering any pension scheme for providing pensions for the clergy or their widows, children or dependants of any church to which this section applies under which—

(*a*) any bishop, priest or deacon to whom this Measure applies who is ministering or is about to minister in any church to which this section applies, may, if the pensions authority so determine, be transferred to the pension scheme of that church;

(*b*) any bishop, priest or deacon to whom this Measure has become applicable who has ministered in any church to which this section applies may in substance retain for himself or his widow, children or dependants in such manner and to such extent as the reciprocal arrangements shall provide any right to or expectations of a pension which he may already have acquired for himself or his widow, children or dependants.

(2) A bishop, priest or deacon transferred hereunder to the pension scheme of a church to which this section applies shall, as from the date of his 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 or claim to receive at any time a pension hereunder, but so that the pensions authority shall have power to reinstate him in the position of a person to whom this Measure applies upon such terms and conditions as such authority may deem expedient.

(3) The pensions authority may prescribe regulations for the purpose of carrying into effect the provisions of this section, and such regulations may provide for the payment out of or into the Clergy Pensions Fund of any moneys payable or receivable under any reciprocal arrangements authorised by this section.

(4) No voluntary contributor shall be transferred under this section to the pension scheme of any church unless he shall consent to such transfer and no claim in respect of a pension payable under an agreement made under Part IV of this Measure shall be transferred without the consent of the clerk who has entered into such agreement.

(5) This section shall apply to all episcopal churches in communion with the Church of England in which clerks in Holy Orders of the Church of England are admitted to minister.

(6) Any organised body of clergy ministering outside England under the jurisdiction of any bishop consecrated as a bishop of the Church of England or of any bishop in communion with the Church of England in connection with which body a pension scheme has been established shall, for the purposes of this section, be deemed to be a church to which this section applies.

Reciprocal arrangements with other pensions authorities.

51.—(1) The pensions authority may enter into reciprocal arrangements with the authority controlling and administering any pension scheme for providing pensions for persons, or the widows children or dependants of persons, in the service of the Crown, or of any government department or any public

municipal or local body, board or authority in England or elsewhere under which—

(*a*) any bishop, priest or deacon to whom this Measure applies who is in such service or is about to enter such service may, if the pensions authority so determine, be transferred to the pension scheme of that other authority;

(*b*) any bishop, priest or deacon to whom this Measure has become applicable who has been in such service may in substance retain for himself or his widow children or dependants in such manner and to such extent as the reciprocal arrangements shall provide any right to or expectations of a pension which he may already have acquired for himself or his widow children or dependants.

(2) A bishop, priest or deacon transferred hereunder to the pensions scheme of another authority shall as from the date of his 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 or claim to receive at any time a pension hereunder, but so that the pensions authority shall have power to reinstate him in the position of a person to whom this Measure applies upon such terms and conditions as the pensions authority may deem expedient.

(3) The pensions authority may prescribe regulations for the purpose of carrying into effect the provisions of this section and such regulations may provide for the payment out of or into the Clergy Pensions Fund of any moneys payable or receivable under any reciprocal arrangements authorised by this section.

(4) No voluntary contributor shall be transferred under this section to the pensions scheme of any other authority unless he shall consent to such transfer, and no claim in respect of a pension payable under an agreement made under Part IV of this Measure shall be transferred without the consent of the clerk who has entered into such agreement.

Determination of questions.

52.—(1) If any question shall arise—

(*a*) as to whether this Measure applies to any bishop, priest or deacon, or

(*b*) in the case of any bishop, priest or deacon to whom this Measure applies—

(i) as to the length of his qualifying period of pensionable service (if any) or the date upon which such qualifying period terminated;

(ii) as to whether he has retired and on what date;

(iii) as to whether he satisfies the conditions laid down for the receipt of a pension under this Measure, or the terms and conditions upon which his pension is granted or agreed to be paid;

(iv) as to the rate at which his pension is to be paid, and whether any deductions are to be made therefrom in respect of arrears of contributions;

(v) as to the correctness of his assessment to contributions or of any estimate of the value of his benefice or of any other estimate or valuation affecting him, made under the contribution rules; or

(vi) as to his right to a repayment of any contributions made by him;

(vii) as to the rights of a widow, child or dependant of a clerk in Holy Orders or of the clerk himself under Part II, III or IV of this Measure (including the question whether any person is a dependant of a clerk);

such question shall be decided in manner provided by this section.

(2) Every question to which this section refers shall (except where the question is whether the bishop, priest or deacon concerned is permanently disabled for the performance of his work or duties) be decided by the pensions authority at a meeting specially convened for the purpose of deciding such question.

(3) Any question as to whether a bishop, priest or deacon is permanently disabled for the performance of his work or duties shall be decided by a board of two or more medical referees to be appointed by the pensions authority.

(4) Every decision of a board of medical referees under this section shall be final and conclusive and not subject to appeal to any court, except where the person affected by such decision contends that the same is erroneous in point of law, in which case such person may appeal to the pensions authority, who shall decide any question or questions of law involved at a meeting specially convened for that purpose.

(5) Every decision of the pensions authority under this section shall be given after hearing the bishop, priest or deacon concerned, or his agent.

(6) The Arbitration Acts, 1889 to 1934 shall not apply to any proceedings under this section.

(7) Any person aggrieved by a decision of the pensions authority 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.

Proof of regulation.

53. *Prima facie* evidence of any regulation made by the pensions authority and approved by the Church Assembly under this Measure or any decision given by such authority upon the determination of any question or appeal under this Measure may be given by producing a copy of the regulation or decision sealed with the common seal of the pensions authority.

Invitation to parishes to provide contributions.

54. The pensions authority may send to parochial church councils a notification of the charges imposed by this Measure upon their parochial clergy, and shall invite the diocesan board of finance in every diocese to frame a scheme under which with the co-operation of the parochial church councils of the diocese such provisions as circumstances permit may be made either by means of a capital fund or otherwise for exonerating the parochial clergy from the said charges.

Diocesan widows and dependants committees.

55.—(1) In every diocese the diocesan board of finance shall appoint a diocesan widows and dependants committee, which shall include representatives of charities of which widows and dependants of the deceased clergy of the diocese are beneficiaries.

(2) Such diocesan widows and dependants committee shall watch over the interests of such widows and dependants and co-ordinate so far as possible the work of such charities and that of the pensions authority.

(3) In every diocese the diocesan board of finance shall appoint an officer or officers whose duty it shall be to bring before the widows and dependants committee information as to the circumstances of widows and dependants of deceased clergy of the diocese and make all proper representations on their behalf to such committee and to inform such widows and dependants of their rights under this Measure and of the action taken or proposed to be taken by such committee on their behalf.

Curate's declaration and licence.
28 & 29 Vict. c. 122.

56.—(1) There shall be added to the stipendiary curate's declaration set out in section three of the Clerical Subscription Act, 1865, at the end of such declaration the words " except in respect of contributions under the Clergy Pensions Measure, 1948."

(2) A bishop shall, upon his specifying in a licence granted by him to a stipendiary curate the amount of the stipend to

be paid to the curate, add, in such form as he shall think fit, words to the same effect as the words which are to be added to the stipendiary curate's declaration under this section.

Pensions under Deans and Canons Resignation Act, 1872.

57.—(1) No pension shall at any time after the commencement of this Measure be granted under the Deans and Canons Resignation Act, 1872, to any dean, canon or minor canon, who had not attained the age of fifty-five years before the appointed day.

35 & 36 Vict. c. 8.

(2) A pension under the said Act shall be deemed to be granted on the day of the date of the bishop's certificate certifying the incapacity of the dean, canon or minor canon concerned.

Burnley Rectory Act, 1890. 53 & 54 Vict. c. cxxiii.

58. Notwithstanding any of the provisions of the Burnley Rectory Act, 1890, the incumbent of the rectory of Burnley shall be under a like liability to pay contributions under this Measure and have the like right to a pension hereunder on retirement as the incumbents of other benefices.

Pensions payable to canons holding professorships exempt from Acts against simony.

59.—(1) In the case of any person who has been or is about to be appointed to a canonry to which a professorship in a university is annexed, such person may before or after his appointment enter into an agreement with the university providing for the payment to him of a pension on retirement from his canonry and professorship on such terms as to the payment of contributions, the amount of pension, the date of retirement and generally as such person and the university shall jointly agree.

(2) No such pension shall be deemed to be a pension, sum of money, reward, gift, profit, benefit or commodity within the meaning of the Statute 31 Elizabeth chapter 6 or the Simony Act, 1713, and no such agreement shall be deemed to be a promise agreement grant bond covenant or other assurance within the meaning of either of those Acts or the declaration contained in the Schedule to the Benefices Act, 1898.

13 Anne. c. 11.

61 & 62 Vict. c. 48.

Provisions as to Charitable Trusts Acts.

60. The Charitable Trusts Acts, 1853 to 1939, shall not apply to the pensions authority or to any property vested in or administered by it except to the funds established under sections forty-two and forty-three of this Measure and to such property and funds as may be applicable for special charitable purposes.

Interpretation.

61.—(1) In the Measure the following expressions have the meanings following, that is to say:—

(*a*) "actuary" means a Fellow of the Institute of Actuaries, or of the Faculty of Actuaries in Scotland;

(*b*) "appointed day" means the first day of January one thousand nine hundred and twenty-seven;

(*c*) " bishop " includes an archbishop;

(*d*) " bishopric " includes an archbishopric;

(*e*) " 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;

(*f*) " suffragan bishop " means the bishop of any suffragan bishopric in England, whether created before or after the passing of this Measure;

(*g*) " clerk in Holy Orders " does not include a diocesan bishop or suffragan bishop but with this exception includes any bishop, priest or deacon who has been consecrated or ordained by any bishop of the Church of England or by any bishop of a Church in communion with the Church of England;

(*h*) the expression " dependant " means any person who at the time when he is nominated for the receipt of a pension or when the agreement for providing a pension for him is entered into is either wholly or to a substantial extent dependent on the person making such nomination or entering into such agreement;

(*i*) " ecclesiastical service " includes service rendered under the direction of a diocesan bishop or carried on in furtherance of the work administrative or spiritual of the Church of England and recognised as such by a diocesan bishop.

(*j*) " financial year " means a year beginning on the first day of April in any calendar year and ending on the thirty-first day of March in the following calendar year;

(*k*) " prescribed " means prescribed by regulations under this Measure or in the case of regulations which could have been made under this Measure by byelaws made under any of the Measures hereby repealed;

20 & 21 Geo. 5. No. 6.

(*l*) " the 1930 Measure " means the Clergy Pensions (Older Incumbents) Measure, 1930.

(*m*) " older incumbent " has the meaning assigned to that expression in section one of the 1930 Measure.

(2) For the purposes of this Measure a person shall be deemed not to have attained the age of fifty-five years until the commencement of the fifty-fifth anniversary of the day of his birth, and similarly with regard to other ages.

Amendment of 1930 Measure.

62. Section ten of, and the Second Schedule to, the 1930 Measure (which relate to the conditions for receipt of and payment and application of pensions to older incumbents) are hereby repealed and in substitution therefor the provisions

set out in the Seventh Schedule to this Measure shall as from the commencement of this Measure have effect in relation to pensions payable to older incumbents whether already payable or hereafter to become payable.

Repeals and savings.

63. The Measures set out in the Eighth Schedule to this Measure are hereby repealed:

Provided that without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889— 52 & 53 Vict. c. 63.

(*a*) nothing in this repeal shall affect the right to any pension which has before the commencement of this Measure already become payable to any person under the Measures so repealed or the 1930 Measure or any of them and every such pension shall continue to be payable in accordance with the provisions of those Measures save that as from the commencement of this Measure every pension payable under the Measures so repealed shall be payable pursuant to the provisions of sections thirty-one to thirty-four of this Measure in place of the corresponding provisions of the Measures so repealed.

(*b*) references in this Measure to contributors of any class shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to contributors of the corresponding class under the Measures so repealed, and any contributions paid in respect of any contributors under those Measures shall, for the purposes of this Measure, be treated as if they had been paid under the corresponding provisions of this Measure;

(*c*) the pensions authority established under this Measure shall be deemed to be in continuation of the pensions authority established under the Clergy Pensions Measure, 1926;

(*d*) any person (other than a person to whom subsection (3) of section thirty-seven of this Measure applies) appointed to any office, commission, committee or sub-committee or serving in any capacity under or by virtue of any Measure repealed by this Measure and who held such office or was a member of such commission, committee or sub-committee or served immediately before the commencement of this Measure shall continue in such office, membership or service as if he had been appointed under this Measure and nothing in this repeal shall affect the terms and conditions on and subject to which he held such office or membership or served immediately before the commencement of this Measure or prejudice or affect any right to pension which a person

would otherwise have had on retirement from his office or service or otherwise or the amount thereof;

(*e*) all funds and accounts established under this Measure shall be deemed to be in continuation of the corresponding funds and accounts established under the Measures hereby repealed;

(*f*) nothing in this repeal shall affect any rule of court byelaw, agreement, arrangement, scheme or request made or any notice, decision, direction or approval given under any Measure repealed by this Measure, and every such rule of court byelaw, agreement, arrangement, scheme, request, notice, decision, direction or approval shall continue in force, and shall, so far as it could have been made or given under this Measure, have effect as if made or given under the corresponding provision of this Measure;

(*g*) any Act, Measure or other document referring to any Measure repealed by this Measure shall be construed as referring to the corresponding provision of this Measure;

(*h*) nothing in this repeal shall affect the operation of the 1930 Measure as amended by this Measure and references in the 1930 Measure to the pensions authority shall be construed as references to the pensions authority established by this Measure.

Extent.

64. This Measure shall extend to the whole of the Province of Canterbury with the exception of the Channel Islands, and to the whole of the Province of York including the Isle of Man:

Provided that—

(*a*) section eight of this Measure shall not apply to the Isle of Man;

21 & 22 Geo. 5. No. 4.

(*b*) this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them in accordance with the provisions of that Measure.

Short title and commencement.

65.—(1) This Measure may be cited as the Clergy Pensions Measure, 1948.

(2) This Measure shall have effect as from the first day of January One thousand nine hundred and forty-eight.

SCHEDULES.

THE FIRST SCHEDULE.

Sections 6 and 18.

PART I.

PENSION TABLE FOR PENSIONERS WHO HAVE BEEN COMPULSORY CONTRIBUTORS.

Qualifying period of pensionable service.	Rate of Pension in cases where the pension is entered upon at or above the age of 70.
	£
15 years	34
16 ,, ...	38
17 ,, ...	42
18 ,, ...	46
19 ,, ...	50
20 ,, ...	55
21 ,, ...	60
22 ,, ...	65
23 ,, ...	70
24 ,, ...	75
25 ,, ...	80
26 ,, ...	86
27 ,, ...	92
28 ,, ...	98
29 ,, ...	105
30 ,, ...	112
31 ,, ...	120
32 ,, ...	128
33 ,, ...	137
34 ,, ...	146
35 ,, ...	155
36 ,, ...	164
37 ,, ...	173
38 ,, ...	182
39 ,, ...	191
40 years (or over)	200

PART II.

PENSION RULES FOR PENSIONERS WHO HAVE BEEN COMPULSORY CONTRIBUTORS.

1. *Class A Contributors.*—The rate of pension of a pensioner who has been a Class A contributor and who has retired by reason of permanent disability under the age of 70 shall be ascertained by dividing by two the pension which he would have entered upon had

he continued to render qualifying pensionable service until attaining the age of 70 and had then retired, and by adding until a maximum rate of £150 is reached £2 for each complete year of the excess of his qualifying period of pensionable service over 15 years.

2. *Class B Contributors.*—The rate of pension of a pensioner who has been a Class B contributor and who has retired by reason of permanent disability under the age of 70 shall be ascertained by taking the pension which he would have entered upon had he continued to render qualifying pensionable service until attaining the age of 70 and had then retired and by subtracting therefrom the sum of £2 for each complete year by which his age at the date at which he makes application to the pensions authority for a pension or at which he retires (whichever date is the later) is less than 70.

3. *Compulsory Contributors.*—The rate of pension applicable under this Schedule to a pensioner who has been a compulsory contributor and who has performed a qualifying period of pensionable service which falls short of forty years and does not consist of a complete number of years shall be increased by adding thereto, for each month of service performed by him in excess of the completed number of years of service so performed, a sum equal to one-twelfth of the difference between the amount of such pension and the amount of the pension to which he would have been entitled under the Pension Table contained in Part I of this Schedule and Rule 1, 2 or 3 (as the case may be) of these Rules had the qualifying period of pensionable service performed by him consisted of one more complete year.

4. The rate of pension of a compulsory contributor who has retired but not by reason of permanent disability after attaining the age of 65 but before attaining the age of 70 shall be a percentage of the pension which he would have entered upon had he continued to render qualifying pensionable service until attaining the age of 70 and had then retired which percentage shall be ascertained in accordance with the following table:—

Age at birthday next before retirement.	Pencentage of pension which would have been entered upon at age of 70.
65	55
66	64
67	73
68	82
69	91

5. *Deans and Canons.*—The pensions of deans and canons (not being minor canons) of cathedral and collegiate churches, appointed before the appointed day, to whom the Deans and Canons Resignation Act, 1872, would, if the Clergy Pensions Measure, 1926, had not been passed, have applied, shall be paid at the fixed rates of four hundred and fifty pounds per annum in the case of a dean, and three hundred pounds per annum in the case of a canon, and the Pension Table contained in Part I of this Schedule, and Rules 1 and 3 of these Rules shall not apply to them.

THE SECOND SCHEDULE.

Section 7.

CONTRIBUTION TABLE APPLICABLE TO CLASS A CONTRIBUTORS.

Subject to the provisions of the Third Schedule to this Measure every Class A contributor (in this Schedule referred to as a contributor) shall pay yearly contributions at the rate applicable to him under the following table and the notes thereto:—

CONTRIBUTION TABLE.

Amount of Assessable Income.	Amount of yearly Contribution. £ s. d.
Exceeding £150 but not exceeding £175	5 5 0
,, £175 ,, ,, £200	6 0 0
,, £200 ,, ,, £225	6 15 0
,, £225 ,, ,, £250	7 10 0
,, £250 ,, ,, £275	8 5 0
,, £275 ,, ,, £300	9 0 0
,, £300 ,, ,, £325	9 15 0
,, £325 ,, ,, £350	10 10 0
,, £350 ,, ,, £375	11 5 0
,, £375 ,, ,, £400	12 0 0
,, £400 ,, ,, £425	12 15 0
,, £425 ,, ,, £450	13 10 0
,, £450 ,, ,, £475	14 5 0
,, £475 ,, ,, £500	15 0 0
,, £500 ,, ,, £525	15 15 0
,, £525 ,, ,, £550	16 10 0
,, £550 ,, ,, £575	17 5 0
,, £575 ,, ,, £600	18 0 0
,, £600 ,, ,, £625	18 15 0
,, £625 ,, ,, £650	19 10 0
,, £650 ,, ,, £675	20 5 0
,, £675 ,, ,, £700	21 0 0

NOTES.—(1) Where the assessable income exceeds seven hundred pounds the amount of the yearly contribution payable shall be ascertained by adding to twenty-one pounds the sum of fifteen shillings in respect of each complete twenty-five pounds or part of twenty-five pounds whereby such income exceeds seven hundred pounds.

(2) A contributor shall be exempt from the payment of contributions so soon as (i) he has attained the age of 70 years, and (ii) his qualifying period of pensionable service amounts to 40 years.

Sections 7 and 20.

THE THIRD SCHEDULE.

CONTRIBUTION RULES APPLICABLE TO COMPULSORY CONTRIBUTORS.

1. For the purposes of the Contribution Table contained in the Second Schedule to this Measure and for the purposes of the provisions of section twenty of this Measure assessable income means the net income as ascertained under the provisions of these Rules which is earned during the financial year ending in the calendar year preceding the year of assessment by a compulsory contributor as the holder of any preferment or in respect of the stipend, salary or emolument of an office or function by virtue whereof this Measure applies to him or as the holder of any educational, charitable or public post, and includes the annual value of his parsonage house or house of residence (if any):

Provided that

(*a*) where an assessable income is derived from more than one of the above-mentioned sources, either simultaneously or consecutively, the whole of that income shall (subject as hereinafter mentioned) be aggregated;

(*b*) the value of a parsonage house or house of residence shall be estimated according to the annual value thereof for the purposes of the enactments relating to income tax, but subject to the deduction of the sum (if any) by which such annual value exceeds one-eighth of the net income earned during the financial year ending in the calendar year preceding the year of assessment by the compulsory contributor concerned as the holder of the benefice, deanery, prebend or canonry to which such parsonage house or house of residence belongs;

(*c*) in computing the assessable income of a compulsory contributor in any financial year the pensions authority shall only include his income for that financial year as the holder of an educational, charitable or public post if his income for that financial year as the holder of any preferment or derived from the stipend, salary or emolument payable to him in respect of the ecclesiastical service rendered by him is less than six hundred pounds and shall only include sufficient of his income for that financial year as the holder of an educational, charitable or public post to bring his assessable income for that financial year up to six hundred pounds;

(*d*) in computing the assessable income of a compulsory contributor in any financial year the pensions authority shall not include as part of his income for that financial year any sum paid in or towards payment of his contribution.

2. A pension under the Incumbents Resignation Acts, 1871 and 1887, or the Deans and Canons Resignation Act, 1872, and any charge created under Section 8 of this Measure or the corresponding provisions of any Measure repealed by this Measure shall be allowed as a deduction in estimating the assessable income.

3. A compulsory contributor who has held no preferment or office by virtue whereof this Measure applies to him during the financial year ending in the calendar year preceding the year of assessment shall, and a compulsory contributor who has held such preferment or office for part of that financial year only may, if the pensions authority think fit, be assessed on his estimated net income calculated for the whole of the financial year current at the time of assessment.

4. The pensions authority may send to every clerk in Holy Orders in the area to which this Measure applies a requirement to furnish particulars of his clerical income and of any stipend salary or emolument earned by him as the holder of any educational, charitable or public post in one of the forms set out in the Appendix to this Schedule, or in such other form as the pensions authority may determine with the approval of the Church Assembly given by resolution, and it shall be the duty of every clerk in Holy Orders to whom such a requirement or other request for information is sent to complete the form and return it, or furnish the information required to the pensions authority within such period not being less than twenty-one days, as the pensions authority may determine.

5. If any clerk in Holy Orders to whom such a requirement or request for information is sent fails to comply therewith, the pensions authority may assess him to contributions of such amounts fixed on the basis of such information as the pensions authority shall in its absolute discretion think proper, and the making of such an assessment shall be *prima facie* evidence that such clerk in Holy Orders is a compulsory contributor, and as such, liable to pay the contribution assessed.

6. The pensions authority shall be entitled to disclose information obtained under the provisions of these rules to any person, authority or body charged with administrative duties connected with the Church of England.

7. Assessments under these rules shall be communicated to the Ecclesiastical Commissioners, and it shall be the duty of the Ecclesiastical Commissioners in any case where either—

(*a*) an assessed contributor is in receipt of any augmentation grant or other moneys from the Ecclesiastical Commissioners; or

(*b*) an assessed contributor is paid the stipend, salary or emolument upon which he is assessed by a person in receipt of any augmentation grant or other moneys from the Ecclesiastical Commissioners:

to deduct a proportionate part of the contribution from the next payment made by them in respect of such augmentation grant or other moneys and to pay the same to the pensions authority:

Provided that the pensions authority may, in any case provided for by this rule, collect the contribution due from the contributor concerned directly from such contributor, and the Ecclesiastical Commissioners shall not deduct such contribution or any part thereof as provided in this rule in any case in which the pensions authority has not directed the Ecclesiastical Commissioners so to deduct it.

8. Alternatively, collection of contributions assessed under these rules may, where circumstances admit and the pensions authority deem it expedient, be effected through Queen Anne's Bounty and in any such case the last preceding rule shall *mutatis mutandis* apply to such collection.

9. In any case where any contribution is deducted and paid to the pensions authority by the Ecclesiastical Commissioners or by Queen Anne's Bounty under these rules, such deduction and payment shall discharge—

(*a*) the contributor assessed to such contribution from his liability in respect thereof;

(*b*) the Ecclesiastical Commissioners or Queen Anne's Bounty, as the case may be, from all liabilities and duties arising otherwise than under these rules in respect of so much of the augmentation grant or other moneys as is deducted;

(*c*) any person liable to pay a stipend, salary or emolument in respect of which the contribution is assessed from such part of the instalment or payment in respect thereof payable next after the deduction has been made as is equal to the deducted contribution.

10. In any case where an assessed contribution is not collected by deduction under these rules, it shall be paid to the pensions authority at its principal office by the assessed contributor except where he is assessed in respect of a stipend, salary or emolument paid to him by the incumbent of a benefice, in which case the payment shall be made by such incumbent, who shall by virtue of such payment be discharged from so much of the instalment of, or payment in respect of, such stipend, salary or emolument payable next after the payment by him of the contribution as is equal to the amount of the contribution:

Provided that a contributor assessed in respect of a stipend, salary, or emolument paid to him by the incumbent of a benefice shall, where the pensions authority so directs, pay his contributions, or any of them, directly to the said authority at its principal office.

11. The sending by post by the pensions authority to an assessed contributor or such an incumbent as is mentioned in the last preceding rule of a written demand for the payment of an assessed contribution stating the amount thereof and addressed to the contributor or incumbent at his last known place of residence shall be *prima facie* evidence that a contribution of the amount mentioned in the demand is due and owing from or payable by the contributor or the incumbent as the case may be.

12. All moneys due from a contributor or from an incumbent of a benefice liable for the payment of contributions under these rules shall be a debt due to, and recoverable by, the pensions authority from such contributor or incumbent.

13. Subject to the provisions of these Rules, every compulsory contributor shall be liable to pay a contribution in respect of each calendar year during any part of which he is a compulsory contributor.

14. An annual contribution shall be paid in four instalments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in each calendar year in respect of the quarter-years ending on those days respectively; but if a compulsory contributor becomes or ceases to be a compulsory contributor during any calendar year he shall not be liable to pay a contribution in respect of that part thereof during which he is not a compulsory contributor:

Provided that if a compulsory contributor who becomes or ceases to be a compulsory contributor during any quarter-year shall have before the end of such quarter-year or the quarter-year next following signified in writing to the pensions authority his desire to be deemed liable to pay a contribution in respect of the whole or any part thereof not being less than one third of such quarter-year, he shall be deemed to be so liable.

15. Where at the end of any quarter-year a compulsory contributor is liable to pay a contribution in respect of part only of such quarter-year, the amount of contribution which he is liable to pay shall be an amount which bears the same proportion to the amount which he would have been liable to pay in respect of such quarter-year under the Contribution Table in the Second Schedule to this Measure or under the provisions of section twenty of this Measure if he had been a compulsory contributor during the whole of such quarter-year as the number of calendar months in such quarter-year during the whole of which he was a compulsory contributor bears to the number three.

16. Arrears of contribution owing under these rules or any portion of such arrears may be collected by the pensions authority in any manner in which the contribution in respect of which such arrears are owing may under these rules be collected:

Provided that where an assessed contributor is assessed in respect of a stipend, salary or emolument paid to him by the incumbent of a benefice such incumbent shall not be liable to make any payment to the pensions authority in respect of arrears of contribution due from such contributor unless such contributor is at the date on which demand for such payment is made in receipt of a stipend, salary or emolument from such incumbent.

17. The pensions authority shall have power to prescribe—

(*a*) regulations providing for a valuation (either general or partial) of benefices for the purposes of these rules being made at such time or times and according to such principles as such authority may think fit; and

(*b*) regulations regulating the collection of contributions, which regulations may be either additional or supplementary to the contribution rules, but no regulations made under this power shall increase any rate of contribution.

18. The pensions authority shall assess compulsory contributors to contributions in accordance with these Contribution Rules, and for the purposes of any assessment may determine whether and in what manner any sums payable under the Ecclesiastical Dilapidations

Measures, 1923 to 1929, are to be apportioned between a parsonage house and other buildings of a benefice, and any other matter requiring to be determined and not expressly provided for by these Rules.

19. Every assessment to contributions shall as soon as is reasonably practicable be communicated by the pensions authority to the compulsory contributor concerned, who shall be accorded a period of twenty-one days within which to give notice to the pensions authority of any objection to the assessment and of the grounds thereof.

20. The pensions authority shall have power from time to time to revise or adjust any assessment to contributions in any case where the circumstances so require, and any revised or adjusted assessment shall supersede the original assessment or any previously revised or adjusted assessment.

21. Notwithstanding any other provision of these Rules the pensions authority shall have power in any exceptional case where, in the opinion of the pensions authority, circumstances so require, to determine the amount of the assessable income of a compulsory contributor, or of any item thereof, upon such basis as the pensions authority may think proper.

Contribution Rules. Rule 4.

APPENDIX.

FORM I.

RETURN OF INCOME OF UNBENEFICED CLERGYMAN.

for the year ended 31st March, 19.....

Name	Ecclesiastical Office[s] .....
Postal Address	or Appointment[s] .....
.....	Parish .....
.....	Diocese .....
Particulars with dates of any	.....
office or appointment accepted	.....
or resigned since 31st March,	.....
19.....	.....

EMOLUMENTS EARNED DURING THE YEAR.

	£	s.	d.
1. Stipend, Salary or Emolument of Ecclesiastical Office[s] or Appointment[s]			
2. Offerings and Fees allocated to me in virtue of my Ecclesiastical Offices			
3. Grants and Augmentations (*see* Note I below):			
(*a*) Parochial Church Council ... ... £			
(*b*) Diocesan Authorities ... ... £			
(*c*) Ecclesiastical Commissioners ... ... £			
(*d*) Other sources ... ... £			
4. Annual Value of Emoluments receivable in kind, *i.e.*, free board, etc.			
5. Net Schedule A Income Tax value of house or accommodation provided rent free			
6. *Less* Special Expenses of Office (if any) allowed by the Income Tax Authorities			
7. State full Stipend, Salary or Emolument earned as the holder of any—			
(*a*) Educational Post ... ... £			
(*b*) Charitable Post ... ... £			
(*c*) Public Post ... ... £			
include sufficient only in main cash column to make up the assessable income to £600			
Assessable income ... ...£			

Date..... *Signature*.....

NOTE I.—Voluntary payments towards or in payment of pension contributions to be excluded.

II.—Where the Net Schedule A value of house of residence exceeds one-eighth of the assessable income, one-eighth only will be included.

III.—The following questions should be answered by any clergyman who was admitted to Deacon's Orders after 1st July, 1936 and before 1st January, 1948, unless already recorded:—

(*a*) Are you married?

(*b*) If so, what was the date of your marriage?

(*c*) If you are not married do you wish to enter the Widows' Contributory Pensions Scheme now, either in anticipation of marriage or for the benefit of your present dependents?

FORM 2

RETURN OF INCOME OF BENEFICED CLERGYMAN for the year ended 31st March, 19 .

BENEFICE INCOME (*see* Notes below)	£	s.	d.
1. Fees			
2. Easter Offerings			
3. Pew Rents			
4. Ecclesiastical Commissioners—			
(*a*) Augmentation Grants			
(*b*) Dividends and Interest			
(*c*) Other annual payments			
5. Queen Anne's Bounty—			
(*a*) Interest and Dividends			
(*b*) Income under Tithe Act, 1936			
(*c*) Corn Rents			
(*d*) Tithe Redemption Annuities Interest			
(*e*) Grant towards Dilapidations payment ...			
6. Trustees and Others—			
(*a*) Dividends and Interest			
(*b*) Augmentation Grants			
7. Glebe—Letting of lands and houses (other than Parsonage House), Ground Rents, Sporting and other rights ... ...£			
Less Rates (if paid by Incumbent) ... £			
„ Collection charges ... £			
„ Land Tax ... £			

OUTGOINGS	£	s.	d.
1. Ecclesiastical Dues			
2. Annual Payment under the Ecclesiastical Dilapidations Measures 1923/9			
3. Tithe Redemption Annuities (Tithe Act 1936)			
4. Rents or Rentcharges			
5. Mortgage Charges :			
(*a*) Capital Repayment			
(*b*) Interest Payment (gross)			
6. Retired Incumbent's Pension charged on benefice			
7. Curate's Stipend—			
(*a*) Compulsory			
(*b*) Voluntary			
8. Payments to Lay Workers licensed by Bishop			
9. Charges of Management by Queen Anne's Bounty			
10. Special Expenses of Office (as allowed by Income Tax Authorities)			
11. Other Charges (state nature)			
Outgoings ... ...£			

8. Voluntary payments made in virtue of my office :
   (*a*) From Parish ... ...
   (*b*) From Patron ... ...
   (*c*) From Diocesan Funds ... ...
   (*d*) From other sources ... ...
   (*e*) From Queen Victoria Clergy Fund ... ...
9. Income from other Ecclesiastical Sources (state nature) ... ...

   Benefice Income ... ...£
   Less Outgoings ... ...£

   Net Benefice Income ... ...£
10. Gross Schedule A Income Tax value of Parsonage House or House of Residence ... ...
11. Other Assessable Income : State full Stipend, Salary or Emolument earned as the holder of any—
   (*a*) Educational Post ... ...£
   (*b*) Charitable Post ... ...£
   (*c*) Public Post ... ...£

   (*d*) Other Ecclesiastical Post ... ...£

   Assessable income ... ...

NOTE.— (I) All income should be gross, *i.e.*, before deduction of income tax or other deductions made at the source.
(II) If the Schedule " A " value exceeds one-eighth of the net benefice income as shown above, then one-eighth only of the net benefice income should be added instead of the Schedule " A " value of the Parsonage House.
(III) Include in main cash column sufficient only of income under item 11 (*a*), (*b*) and (*c*) to make up the assessable income to six hundred pounds.
(IV) Voluntary payments should exclude grants towards or in payment of Pensions Contribution.
(V) If instituted to present benefice during 19 , please give below date and particulars of previous office.
....
(VI) The following questions should be answered by any clergyman who was admitted to Deacons' Orders after 1st July, 1936, and before 1st January, 1948, unless already recorded :—
   (*a*) Are you married?
   (*b*) If so, what was the date of your marriage?
   (*c*) If you are not married do you wish to enter the Widows' Contributory Pension Scheme now, either in anticipation of marriage or for the benefit of your present dependants?
(VII) Assistant Clergy :—

Name(s) in full..... *Signature of Incumbent*.....
Postal Address(es) ..... *Date*.....

Sections 11 and 12.

THE FOURTH SCHEDULE.

PART I.

CONTRIBUTION TABLE.

Age next Birthday of Contributor on Measure becoming applicable to him.	Amount of Annual Contribution.
	£ s. d.
24	2 12 8
25	2 14 0
26	2 16 0
27	2 18 0
28	3 0 0
29	3 2 0
30	3 4 0
31	3 6 0
32	3 8 8
33	3 11 0
34	3 13 8
35	3 16 0
36	3 19 8
37	4 3 0
38	4 6 8
39	4 10 8
40	4 14 8
41	4 19 0
42	5 4 0
43	5 9 8
44	5 15 0
45	6 1 0
46	6 8 0
47	6 15 0
48	7 3 0
49	7 11 8
50	8 0 0
51	8 10 8
52	9 2 0
53	9 14 8
54	10 8 0
55	11 2 8
Over 55	Such sum as shall be recommended by the actuary to the pensions authority.

NOTES.—(1) The increase of contribution shall be paid in four instalments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in each calendar year in respect of the quarter-years ending on those days respectively; but if a compulsory contributor under Part II of this Measure becomes or ceases to be such a compulsory

contributor during any calender year he shall not be liable to pay an increase of contribution in respect of that part thereof during which he is not such a compulsory contributor except as hereinafter mentioned.

(2) Where at the end of any quarter-year a compulsory contributor under Part II of this Measure is liable to pay an increase of contribution in respect of part only of such quarter-year, the amount of such increase which he is liable to pay shall be the amount which he would have been liable to pay in respect of such quarter-year under the table in this Part of this Schedule if he had been a compulsory contributor under Part II of this Measure during the whole of such quarter-year.

PART II.

RATE OF PENSION.*

Age last Birthday	Annual sum payable to Widow or Female Dependant where Pension is of a Capitalised Value of £400	Annual sum payable to Male Dependant where Pension is of a Capitalised Value of £400
	£ s. d.	£ s. d.
20	15 18 0	16 8 0
21	16 0 4	16 11 0
22	16 2 8	16 14 0
23	16 5 4	16 17 0
24	16 8 0	17 0 4
25	16 10 8	17 3 8
26	16 13 8	17 7 0
27	16 16 8	17 10 8
28	16 19 8	17 14 4
29	17 2 8	17 18 0
30	17 6 0	18 2 0
31	17 9 4	18 6 0
32	17 13 0	18 10 4
33	17 16 8	18 14 8
34	18 0 4	18 19 4
35	18 4 0	19 4 4
36	18 8 0	19 9 4
37	18 12 4	19 14 8
38	18 16 8	20 0 4
39	19 1 4	20 6 0
40	19 6 0	20 12 0
41	19 11 0	20 18 4
42	19 16 0	21 5 4
43	20 1 4	21 12 8
44	20 7 0	22 0 4
45	20 13 4	22 8 4
46	20 19 8	22 17 0
47	21 6 0	23 6 4
48	21 13 0	23 16 0
49	22 0 4	24 6 0

* See note at foot of table.

RATE OF PENSION—(*continued*).

Age last Birthday	Annual sum payable to Widow or Female Dependant where Pension is of a Capitalised Value of £400	Annual sum payable to Male Dependant where Pension is of a Capitalised Value of £400
	£ s. d.	£ s. d.
50	22 8 0	24 16 8
51	22 16 4	25 8 0
52	23 5 0	26 0 8
53	23 14 4	26 14 0
54	24 4 4	27 7 8
55	24 15 4	28 2 0
56	25 6 8	28 17 8
57	25 18 8	29 14 4
58	26 11 8	30 11 8
59	27 5 4	31 10 4
60	28 0 8	32 10 0
61	28 16 8	33 10 8
62	29 14 0	34 12 8
63	30 12 8	35 16 8
64	31 13 4	37 2 0
65	32 15 4	38 9 4
66	33 18 0	39 18 4
67	35 2 8	41 9 4
68	36 10 8	43 2 8
69	38 0 0	44 19 0
70	39 12 8	46 18 0
71	41 8 0	49 0 4
72	43 5 4	51 6 8
73	45 6 8	53 17 0
74	47 12 0	56 11 4
75	50 1 4	59 10 4
76	52 16 8	62 13 0
77	55 15 4	66 0 0
78	59 0 0	69 10 0
79	62 8 0	73 3 8
80	66 6 8	77 1 4

* The annual sum set out in the Table is that which will normally be payable to a widow or a single nominated dependant in respect of the pensions (each of a capitalised value of £200) payable under sections 12 and 13 (or, in cases where a disability pension has been taken, payable to a widow under sections 12 and 14) of this Measure. Where the repayable contributions exceed £200, the capitalised value of the pension payable under section 13, and, consequently, the figures in the Table, must be increased. Similarly, where the only pension payable is the pension of capitalised value £200 payable under section 12, the figures in the Table, which are calculated on £400, will suffer a proportionate decrease.

THE FIFTH SCHEDULE.

Section 30.

CLERGY PENSIONS MEASURE, 1948.

FORM OF APPLICATION FOR A PENSION BY A CONTRIBUTOR.

Part 1

APPLICATION FOR A PENSION AT AGE OF 65 OR MORE.

I, the undersigned ..... having/shall on the.....day of.....attain(ed) the age of.....years, (and) desire to retire on the.....day of ..... I hereby request that a pension be granted to me in accordance with the provisions of the Clergy Pensions Measure 1948.

Signature .....

Witness
- *Name* .....
- *Address* .....
- .....
- *Description* .....

Date .....

Part 2.

APPLICATION FOR A DISABILITY PENSION.

I, the undersigned ..... hereby request that a disability pension be granted to me in accordance with the provisions of the Clergy Pensions Measure 1948.

Signature .....

Witness
- *Name* .....
- *Address* .....
- .....
- *Description* .....

Date .....

THE SIXTH SCHEDULE.

SUPPLEMENTARY PENSIONS.

Applications for supplementary pensions.

1. Subject to the provisions of this Schedule any clerk in Holy Orders on becoming a pensioner or at any time thereafter while he is a pensioner may, if he considers that his total income for the current specified period is or is likely to be at a rate less than a yearly rate of two hundred and fifty pounds, apply to the pensions authority in such manner as the pensions authority may think sufficient to be granted a supplementary pension under this Schedule of an appropriate amount for that specified period.

Payment of supplementary pensions.

2.—(1) The pensions authority shall on receipt of every such application make an estimate of the total income of the applicant for the specified period to which his application relates in such manner as it may think sufficient, and in every case in which it estimates the applicant's total income for that specified period to be at a rate less than a yearly rate of two hundred and fifty pounds, the pensions authority shall, subject to the provisions of this Schedule grant to the applicant a supplementary pension of the appropriate amount for that specified period.

(2) The provisions of section thirty-three of this Measure (which relate to the mode of payment of pensions), shall apply to a supplementary pension under this Schedule.

Supplementary pensions up to a total maximum of £250,000 payable out of Clergy Pensions Fund.

3. The pensions authority shall pay all supplementary pensions granted under this Measure out of such part of the Clergy Pensions Fund or the income thereof as it thinks fit:

Provided that:—

(*a*) the payment out of the Clergy Pensions Fund of pensions under Parts I to V (inclusive) of this Measure shall rank in priority to and shall not be prejudiced by the payment of supplementary pensions thereout under this Schedule, which supplementary pensions shall for this purpose abate if and in so far as the pensions authority considers such abatement necessary; and

(*b*) as soon as the aggregate of the supplementary pensions paid out of the Clergy Pensions Fund or the income thereof under this Schedule or any enactment replaced by this Schedule reaches the sum of two hundred and fifty thousand pounds, no further supplementary pensions shall be granted under this Schedule and the supplementary pensions already granted in respect of specified periods consisting of or occurring in the calendar year in which that sum is reached shall abate accordingly.

Determination of questions.

4. If any question shall arise:—

(*a*) as to the correctness of any estimate of an applicant's total income, or

(*b*) as to the manner in which a supplementary pension must abate in order to comply with any of the terms of the proviso to paragraph three of this Schedule.

such question shall be decided in the manner provided by section fifty-two of this Measure.

5. In this Schedule the following expressions have the meanings hereby assigned to them, that is to say:— Interpretation.

(*a*) " Pensioner " means the recipient of a pension under Part I or V of this Measure who was ordained before the commencement of this Measure, or of an older incumbent's pension under the 1930 Measure other than the recipient of such a pension who has retired before attaining the age of 70 otherwise than by reason of permanent disability or who is also the recipient of a retirement pension or sickness benefit under the contributory provisions of the National Insurance Act, 1946, or any Act amending or replacing that Act.

(*b*) " Total Income " means in relation to any pensioner the total income of that pensioner from all sources as estimated by the pensions authority for the purposes of this Schedule, provided that in the case of a pensioner living with his wife the expression means the aggregate of his total income and that of his wife as so estimated:

Provided also that in estimating the total income of any pensioner or his wife the pensions authority shall be entitled to disregard such part of the income of the person in question as in the special circumstances of the case it shall think proper.

(*c*) " Specified Period " in relation to any calendar year during the whole of which a person is a pensioner means the whole of that calendar year and in relation to any calendar year during a part only of which a person is a pensioner means that part of that calendar year during which he is a pensioner.

(*d*) " Appropriate Amount " in relation to a supplementary pension payable to a pensioner under this Schedule in respect of any specified period means one half of the amount by which the sum of two hundred and fifty pounds exceeds that pensioner's total income for the specified period if it consists of a whole calendar year and one half of the amount by which a proportionate part of the sum of two hundred and fifty pounds exceeds that pensioner's total income for that specified period if it consists of a part of a calendar year.

Section 62.

THE SEVENTH SCHEDULE.

PROVISIONS SUBSTITUTED FOR SECTION 10 OF, AND THE SECOND SCHEDULE TO, THE 1930 MEASURE.

1. Every recipient of an older incumbent's pension (herein referred to as a pensioner) must continue in retirement:

Provided that no clerk shall be deemed to have retired or to be in retirement if and so long as he is engaged in rendering ecclesiastical service or holds an educational, charitable or public post in respect of which he receives a stipend or salary or an aggregate of stipends or salaries exceeding one hundred and fifty pounds a year.

2. Every pensioner shall upon his ceasing to continue in retirement incur a suspension of his pension and such pension shall cease to be payable as from the date of his so ceasing and any charge upon the revenues of a benefice by means whereof such pension is wholly or partly provided shall as from such date be suspended.

3. A pensioner who shall have incurred suspension of his pension by reason of his not having continued in retirement shall upon his retiring subsequently to such suspension (if upon such subsequent retirement he satisfies the condition contained in paragraph 1 of this Schedule) be reinstated as recipient of the pension so suspended and any such charge as aforesaid on the revenues of a benefice shall cease to be suspended and be reimposed.

4.—(1) Every old incumbent's pension shall be by way of annuity accruing from day to day and payable (subject to any necessary apportionment) by equal quarterly instalments on the thirty-first day of March, the thirtieth day of June, the thirtieth of September, and the thirty-first day of December in each year.

(2) An older incumbent's pension shall be incapable of being assigned, charged, or anticipated, and every purported assignment of or charge upon the same shall be void, and the same shall not pass to any trustee in bankruptcy of the pensioner.

(3) An older incumbent's pension may in any case where a pensioner becomes of unsound mind, whether so found by inquisition or not, or is disabled by mental or physical incapacity from managing his own affairs, at the discretion of the pensions authority, be paid or applied by or under the direction of such authority to or for the maintenance, benefit or support of any one or more of the following persons (that is to say):—the pensioner, his wife, his children or remoter issue, their husbands and wives, and any other persons who, in the opinion of the pensions authority, are normally dependent on the pensioner.

THE EIGHTH SCHEDULE.

Section 63.

MEASURES REPEALED.

Session and Chapter.	Short Title.
16 & 17 Geo. 5, No. 6	Clergy Pensions Measure, 1926.
17 & 18 Geo. 5, No. 2	Clergy Pensions (Amendment) Measure, 1927.
18 & 19 Geo. 5, No. 3	Clergy Pensions (Amendment) Measure, 1928.
26 Geo. 5 & 1 Edw. 8, No. 1	Clergy Pensions (Amendment) Measure, 1936.
26 Geo. 5 & 1 Edw. 8, No. 3	Clergy Pensions (Widows and Dependants) Measure, 1936.
9 & 10 Geo. 6, No. 2	Clergy Pensions (Supplementary Pensions) Measure, 1946.

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