No. 2.

A MEASURE passed by the National Assembly of the Church of England.

To amend the Union of Benefices Measure, 1923, and for purposes connected therewith.

[29th May 1936.]

Amendment of constitution of commissions of inquiry.

1.—(1) In the case of every commission issued under subsection (1) of section two of the Union of Benefices Measure, 1923 (hereinafter referred to as " the principal Measure "), after the date of the passing of this Measure, the commissioners to whom such commission is addressed shall include, in addition to the commissioners nominated under section three of the principal Measure, one commissioner nominated in the manner laid down by this section by the Diocesan Conference of the diocese in which the benefices affected by the proposed inquiry are situate; or, if the benefices are situate in more than one diocese, then by the Diocesan Conference of the diocese of the bishop by whom the commission is to be issued.

(2) Where more than two benefices are affected by the proposed inquiry the additional commissioner or commissioners referred to in paragraph (*c*) of subsection (1) of section three of the principal Measure, instead of being nominated in the manner prescribed by that paragraph, shall be nominated in the manner laid down by this section by the Diocesan Conference of the diocese in which the benefices are situate; or, if the benefices are situate in more than one diocese, then by the Diocesan Conference of the diocese of the bishop by whom the commission is to be issued.

(3) (i) Every commissioner nominated by a Diocesan Conference under this section shall be selected in such manner as the Conference shall prescribe from a panel of six persons, of whom three shall be clerks in Holy Orders and three shall be lay communicant members of the Church of England, appointed for such period and in such manner in all respects as the Conference shall determine;

(ii) No member of the Diocesan Committee of any diocese shall be appointed by the Diocesan Conference thereof to be a member of such panel as aforesaid and any member of such panel shall cease to be a member thereof upon becoming a member of the Diocesan Committee.

(4) No person shall be nominated a member of a commission of inquiry under section three of the principal Measure or under this section who is the incumbent of or licensed to officiate as minister or curate in any of the benefices affected by the proposed inquiry.

(5) In any case where the right to nominate a commissioner in respect of any benefice shall have lapsed under subsection (5) of section three of the principal Measure, the provisions of the said subsection (5) with respect to the nomination of a commissioner shall not apply, but a commissioner in respect of that benefice shall be selected in such manner as the Diocesan Conference shall prescribe from the panel referred to in subsection (3) of this section, if the bishop by whom the commission is to be issued so requests.

Duty of commissioners in making their report.

2.—(1) The commissioners to whom a commission under the principal Measure has issued shall have due regard to the interests of religion generally as well as to the circumstances and claims of the parishes affected by their inquiry and shall determine in their discretion the effect of all these considerations and shall report accordingly.

(2) Subsection (6) of section two of the principal Measure is hereby repealed.

Power of altering boundaries of parishes and extra-parochial areas.

3.—(1) The power conferred by subsection (2) (*d*) of section two of the principal Measure (which relates to the alteration of the boundaries of parishes) shall extend to all extra-parochial areas (whether or not referred to in the commission issued under the principal Measure) contiguous to the parishes of the benefices to which such commission relates or to any parish an alteration of the boundaries of which is recommended under the provisions of subsection (4) of section two of the principal Measure, and shall be exercisable without any of the other powers exercisable under the principal Measure being exercised in relation to the parishes and benefices concerned.

(2) The provisions of section thirteen of the principal Measure (under which schemes may be prepared without previous inquiry and report) shall apply with the necessary modifications to schemes solely relating to the alteration of the boundaries of parishes or extra-parochial areas.

Conditional approval by bishop of report under principal Measure.

4.—(1) In any case where a report has been made under the principal Measure, the bishop of a diocese or the bishops of the dioceses affected by such report may, upon signifying in writing under subsection (1) of section four of the principal Measure his or their approval of the report, signify such approval conditionally upon the consideration by the Ecclesiastical Commissioners of such modifications as such bishop or such bishops jointly may consider necessary.

(2) Any such modifications shall be specified in writing under the hand of such bishop or bishops.

Presentation not required when benefice filled under a scheme.

5.—(1) In subsection (2) of section seven of the principal Measure the words "without any presentation or nomination being made" shall be inserted after the words "the vacant benefice" where those words first occur.

(2) The provisions of the Benefices (Exercise of Rights of Presentation) Measure, 1931, shall not apply to any vacancy in a benefice in respect of which directions have been inserted in a scheme under the principal Measure.

Return of schemes by Judicial Committee.

6.—(1) In subsection (5) of section ten of the principal Measure the word "reconsideration" shall be substituted for the words "alteration or amendment."

(2) The following subsections shall be added to section ten of the principal Measure:—

"(6) The Ecclesiastical Commissioners may either withdraw a scheme returned to them under this section or propose a variation thereof, and in the latter case the Judicial Committee shall report to His Majesty in Council on the scheme as so varied, and may propose to His Majesty in Council to affirm or dismiss the scheme as so varied."

"(7) His Majesty may, upon a report being made by the Judicial Committee under the last preceding subsection, affirm or dismiss the varied scheme."

Diversion of endowments included in union.

7.—(1) Subsection (1) of section fifteen of the principal Measure (excepting the second proviso thereto) is hereby repealed, and the following shall be substituted therefor:—

"(1) Whenever it shall appear to the Ecclesiastical Commissioners that the total endowments of any benefices proposed to be constituted an united benefice would be more than is required to form a competent provision for the united benefice, and that it is desirable that any part of such endowments should be appropriated for the augmentation of any other benefice or benefices (either already existing or proposed) situate in the same diocese as that in which the united benefice is situate, or to which it is assigned by the scheme for union, and having no provision or competent provision belonging thereto, the Ecclesiastical Commissioners may, by the scheme for union or in or by any supplementary scheme, recommend that a part of the endowments or property of the benefices proposed to be constituted an united benefice sufficient to provide for such augmentation as aforesaid be severed or diverted from the benefice or benefices to which the same shall belong and be appropriated accordingly:

Provided that before recommending any benefice for augmentation as aforesaid, the Ecclesiastical Commissioners shall give notice in writing to the patrons and parochial church councils of the benefices to be included in the union that there are or may be endowments or property available for severance or diversion under this section, and shall consider any representation which may be made by any such patrons or parochial church councils as to the benefice or benefices to be selected for augmentation or as to the division of such endowments or property between the selected benefices if more than one."

(2) The words "endowments and property" shall be substituted for the words "surplus revenues" where the latter words occur in subsection (4) of section fourteen of the principal Measure.

Admission fees payable where endowments have been diverted.

8. Where an incumbent holding any one or more of the benefices to be constituted an united benefice also becomes the first incumbent of such united benefice and any part of the endowments or property of any constituent benefice is by the operation of the scheme for union severed or diverted therefrom, the annual value upon which, under section thirty-five of the principal Measure, the fees payable by such incumbent in respect of his admission to the united benefice would be calculated shall be reduced by an amount equal to the annual value of the endowments or property so severed or diverted.

Removal of doubts with respect to closing of vaults and graves.

9. It is hereby declared that the provisions of the latter part of section twenty of the principal Measure beginning with the words "And no sale or letting" (which provisions prohibit the appropriation of a site to secular uses until after the removal of the remains of persons deposited thereunder) shall not apply in cases where vaults or graves are left undisturbed and finally closed in conformity with directions and restrictions given or imposed by the Secretary of State under the earlier part of the said section.

Power for Ecclesiastical Commissioners to take over sites of churches, parsonage houses, and other land.

10.—(1) The powers conferred on the Ecclesiastical Commissioners by section twenty-two of the principal Measure shall be extended so as to authorise the Ecclesiastical Commissioners in cases where in their opinion a sale of any property vested in them under the said section cannot advantageously be effected, to appropriate out of capital funds held by them, the income of which forms part of their common fund, such a capital sum as in their opinion represents the fair value of such property, regard being had to any lease of the same granted or proposed to be granted by the Ecclesiastical Commissioners.

(2) Upon an appropriation of a capital sum being made under this section—

(i) such capital sum shall be treated as if the same were the proceeds of a sale of the property and dealt with accordingly; and

(ii) the property shall remain vested in the Ecclesiastical Commissioners and be in all respects in the same position as regards the income derived

therefrom, the powers exercisable in respect thereof, and otherwise, as other property the income whereof is carried to the common fund of the Ecclesiastical Commissioners.

Rights of burial.

11. The following shall be substituted for sub-section (2) of section twenty-five of the principal Measure :—

"Provided that while and so long as any churchyard within the limits of any parish shall remain open for interments no person shall by reason of any union of parishes under the authority of this Measure lose any rights of burial in such churchyard to which he was entitled at the time of the effecting of such union of parishes or become entitled to rights of burial in any other churchyard within the limits of the united parish."

Severance of district.

12.—(1) Subject to the provisions of this section, the provisions of section thirty-one of the principal Measure shall extend so as to authorise the division of a single benefice in the same manner in all respects and with the same effects as regards patronage, endowments, and otherwise, as if it were an united benefice.

(2) The provisions of this section shall be given effect to only in those cases where—

(i) it appears to the Ecclesiastical Commissioners, whether on their own motion or on any representation made to them, that the severance from a benefice of a part thereof possessing its own church or chapel ought to be effected; or

(ii) in a report of the Diocesan Committee, approved in writing by the bishop of the diocese and forwarded by him with such approval to the Ecclesiastical Commissioners, the Ecclesiastical Commissioners are required to initiate proceedings with a view to effecting such severance;

and in any such case, the part of the benefice in question which is proposed to be severed and the remainder thereof shall for the purposes of section fifteen of the principal Measure be treated as constituent benefices of an united benefice.

Induction to united benefice and declaration of assent where parishes are not united.

13. Where upon an union of benefices, whether made under the principal Measure or under any Act of Parliament or otherwise, the parishes or any of the parishes of or comprised in the constituent benefices are not united, an incumbent of the united benefice shall be deemed to have been inducted into the united benefice upon his induction in the parish church of any parish comprised in the united benefice; and any incumbent of an united benefice shall be deemed to have complied with the provisions of section seven of the Clerical Subscription Act, 1865 (which section provides that every person admitted to a benefice shall read and declare his assent to the Thirty-nine Articles of Religion in the church of such benefice on the first Lord's Day on which he officiates in such church), upon his reading the said Articles and making such declaration of assent as provided in the said section in the parish church of any parish comprised in the united benefice.

28 & 29 Vict. c. 122.

Extension of section 36 of principal Measure.

14. The provisions of section thirty-six of the principal Measure (which restrict the exercise of rights of patronage when an union is pending) shall extend to cases of proposed disunions in the same manner and to the same extent as they extend to proposed unions.

Surrender of patronage.

15. The provisions of section thirty-seven of the principal Measure shall extend so as to authorise the surrender of the patronage of any patron concerned who may consent to such surrender in favour of the other patron or patrons affected, and so that the patronage of any patron which is increased under this section shall be subject to the same trusts, powers and provisions as his original patronage.

Archbishop may act for bishop during vacancy.

16. During a vacancy in the bishopric of a diocese the archbishop of the province comprising such diocese may, so far as he shall think fit, exercise all the powers conferred by the principal Measure and this Measure upon the bishop of such diocese.

Definition of "Diocesan Conference."

17.—(1) The expression "Diocesan Conference," where it is used in the principal Measure and in this Measure, shall have the meaning assigned to it by the Interpretation Measure, 1925.

(2) The definition of the expression "Diocesan Conference" contained in section forty-three of the principal Measure is hereby repealed.

18. This Measure may be cited as the Union of Benefices (Amendment) Measure, 1936, and this Measure and the principal Measure shall be construed as one Measure, and may be cited together as the Union of Benefices Measures, 1923 to 1936. Short title, &c.

No. 3.

A MEASURE passed by the National Assembly of the Church of England.

To establish a scheme of pensions for the widows and dependants of the Clergy, and for that purpose to amend the Clergy Pensions Measures, 1926 to 1936. [29th May 1936.]

Introductory.

1. The Church of England Pensions Board (in this Measure referred to as "the pensions authority") as the body administering the several classes of pensions for the clergy established by the Clergy Pensions Measures, shall establish and administer in manner laid down by this Measure the following further two classes of pensions (namely):— Establishment of two classes of widows' and dependants' pensions.

(i) pensions payable under Part I of this Measure to widows and dependants of clerks in Holy Orders to whom that Part of this Measure applies; and

(ii) pensions payable to widows and dependants of clerks in Holy Orders pursuant to agreements made with the pensions authority under Part II of this Measure.

Part I.

2.—(1) This Part of this Measure shall apply to every clerk in Holy Orders who— Applications of Part I.

(i) is ordained after the commencement of this Measure; and

(ii) (*a*) becomes a compulsory contributor under the Clergy Pensions Measures while he is a married man, or

(*b*) marries while he is a compulsory contributor under the Clergy Pensions Measures, or

(*c*) being a compulsory contributor under the Clergy Pensions Measures and unmarried applies to become a compulsory contributor under this Measure.

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

Contributions payable under Part I.

3.—(1) The contributions payable under the Clergy Pensions Measures by any clerk in Holy Orders to whom this Part of this Measure applies (in this Measure referred to as a "compulsory contributor under 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 Schedule to this Measure: Provided that upon any such quinquennial valuation of the Clergy Pensions Fund as is provided for by subsection (5) of section twenty-four of the Clergy Pensions Measure, 1926, 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 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 their actuary.

(3) In any case where a compulsory contributor under 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 are satisfied that their application will not render any less secure the provision made under this Measure for his widow and dependants:—

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

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

(iii) the pensions authority shall hold any moneys received in respect of the policy in trust as to £200 to provide the pension for his widow or dependants provided for by subsection (1) of section four of this Measure or to pay the same to his representatives as provided by subsection (7) of the said section, and as to the remainder thereof in trust for him or his representatives absolutely.

(4) Section eight of this Measure (save in so far as it excludes the application of section five 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.

(5) The provisions of section fifteen of the Clergy Pensions (Amendment) Measure, 1928, as to the repayment of contributions during the lifetime of a clerk shall not apply to increases of contribution payable under this Measure.

Pensions payable to widows and dependants.

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

(i) 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 Schedule to this Measure (hereinafter referred to as "the scheduled scale");

(ii) 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 in Holy Orders 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 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

5. Subject to the provisions of this Measure, in any case where a compulsory contributor under 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 under the Clergy Pensions Measures

would but for this section be repayable to his representatives under section fifteen of the Clergy Pensions (Amendment) Measure, 1928, as amended by any subsequent Measure or enactment, such sum shall not be repaid to his representative, 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 repayable under the said section fifteen or any such amendment thereof as aforesaid: 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.

Repayment of contributors who have not entered upon receipt of a pension under Clergy Pensions Measures.

6. Subject to the provisions of this Measure, in any case where a compulsory contributor under this Measure, having retired by reason of permanent disability and entered upon receipt of a pension (herein referred to as "a disability pension") under the Clergy Pensions Measures 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.

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

7. 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 consent) shall pay or apply such capital sum

Power of pensions authority to commute pension for capital sum.

for maintenance, education and benefit of the pensioner in such manner as the pensions authority shall think fit.

Preservation of pension rights.

8.—(1) Subject to the provisions of this section, if at any time before a compulsory contributor under 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 under the Clergy Pensions Measures) to be liable to pay contributions under the said Measures, then upon the death of such contributor—

(i) no pension and no such sum in lieu of pension as is specified in subsection (7) of section four of this Measure shall be payable under this Part of this Measure;

(ii) the provisions of section five of this Measure shall not apply.

(2) The foregoing provisions of this section shall not have effect in respect of a clerk who has ceased to be liable to contribute as aforesaid—

(i) if and so long as such clerk upon ceasing to be so liable continues 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 three of this Measure;

(ii) 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 three 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 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 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 the Clergy Pensions Measures.

(3) If a clerk to whom subsection (1) of this section has become applicable again becomes liable to pay contributions under the Clergy Pensions Measures 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 (ii) of the immediately preceding subsection, any pension or sum payable to his widow or dependants under the preceding sections 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 the Clergy Pensions Measures or upon his reaching the age of seventy years, whichever event shall first occur.

Financial provisions.

9.—(1) All increases of contributions or special contributions payable under this Part of this Measure shall be paid into the Clergy Pensions Fund.

(2) All pensions payable under and the expenses of the pensions authority incurred in administering this Part of this Measure shall be paid out of the Clergy Pensions Fund.

Part II.

Pensions payable by agreement.

10.—(1) The pensions authority shall have power to enter into an agreement with any clerk in Holy Orders living in the area to which this Measure applies (including any pensioned or retired clerk or any clerk to whom the Clergy Pensions Measures apply or the Clergy Pensions (Older Incumbents) Measure, 1930, or Part I of this Measure applies) for the payment of a pension under 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 in Holy Orders 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 Part I of this Measure.

(3) The following provisions shall be applicable to any such pension :—

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

(ii) 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);

(iii) 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 repayment of contributions or a pension under the Clergy Pensions Measures, or to an older incumbent's pension as defined by the Clergy Pensions (Older Incumbents) Measure, 1930:

Provided that—

(*a*) 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 pension 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;

(*b*) 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

(*c*) no charge on the revenues of any benefice arising or to arise under section twenty-seven

of the Clergy Pensions Measure, 1926, as amended by any subsequent enactment, or under the Resignation Acts as modified by the Clergy Pensions (Older Incumbents) Measure, 1930, 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) the pension agreement may apply with or without modification, any of the provisions of Part I of this Measure as to the nomination of dependants or as to the commutation of pensions or any other of the provisions of Part I of this Measure that may be applicable.

(4) 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.

Special fund.

11. The pensions authority shall establish a special fund into and to which there shall from time to time be paid and transferred—

(i) all contributions payable under agreements made under this Part of this Measure; and

(ii) all sums which, but for a surrender of rights under any agreement made under this Part of this Measure, would have been payable out of the Clergy Pensions Fund together with all sums derived from such proportion of any charge upon the revenues of a benefice as under any such agreement is surrendered in favour of the pensions authority;

and out of which all pensions payable under agreements made under this Part of this Measure and the expenses of the pensions authority incurred in administering this Part of this Measure shall respectively be paid.

Part III.

Payment and application of pensions.

12. Subsections (1), (2), (3) and (4) of section six of the Clergy Pensions Measure, 1926 (which relate to the mode of payment of pensions and contain provisions for the protection of pensioners) shall so far as the context

admits apply to pensions payable under this Measure, or under agreements made under this Measure, in the same manner as they apply to pensions under the Clergy Pensions Measures, and subsection (4), as so applied, shall extend so as to authorise the retention of instalments of the pension of a widow 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 under this Measure, or under an agreement made under this Measure, 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 dependant, the burden of such retention or reduction shall be distributed rateably by the pensions authority among such dependants in proportion to the amounts of such pensions.

Pension not assignable.

13. Subject to the provisions of this Measure, no pension or right under this Measure shall be capable of being assigned, charged, or anticipated, and every purported assignment of charge upon or anticipation of the same shall be void, and the same shall not pass to any trustee in bankruptcy of the pensioner.

Resignation of pensions.

14. A pensioner in receipt of a pension under this Measure, or under an agreement made under this Measure, may, by an instrument in writing signed by the pensioner and delivered to the pensions authority, resign such pension, and upon such resignation such pension shall determine.

Powers and duties of the pensions authority; determination of questions.

15.—(1) The provisions of the Clergy Pensions Measures relating to the powers and duties of the pensions authority shall, so far as the context admits, extend to the system of pensions established by this Measure and be construed accordingly.

(2) Any question as to the rights of a widow of a clerk in Holy Orders, or of the clerk himself, or of any other person under this Measure, or under an agreement made under this Measure (including the question whether any person is a dependant of a clerk), shall be deemed to be a question to which section twenty-three of the Clergy Pensions Measure, 1926, relates.

Administration of funds.

16. Subsections (3), (4) and (5) of section twenty-four of the Clergy Pensions Measure, 1926 (which subsections relate to the administration of the Clergy Pensions Fund) shall apply to the special fund established under section eleven of this Measure, in the same manner as they apply to the Clergy Pensions Fund except that the quinquennial audit and valuation of the said fund shall always be held and made contemporaneously with the quinquennial audit and valuation of the Clergy Pensions Fund.

Donations and bequests fund.

17.—(1) The pensions authority shall have power to create a fund for the benefit of widows and dependants of clerks in Holy Orders consisting of testamentary or other gifts or grants made to the pensions authority for their benefit.

(2) The pensions authority shall within six months of the commencement of this Measure draw up a scheme for the application of such fund and shall submit such scheme to the Church Assembly for its approval.

(3) The pensions authority shall have power from time to time to modify the scheme so approved by the Church Assembly provided that no such modification shall take effect until it has received the approval of the Church Assembly.

(4) Such scheme may provide for the augmentation of any pension payable under this Measure or under any agreement made under this Measure out of any part of the said fund lawfully applicable for that purpose, and may provide for grants to widows and dependants of clergy who were resident within the area to which this Measure applies but to whom this Measure did not apply.

(5) The pensions authority shall have power to pay into the said fund any moneys which may become applicable under the provisions of paragraph (v) of section twenty-five of the Clergy Pensions Measure, 1926, in which paragraph the words " and dependants " shall be inserted after the word " orphans."

Reciprocal arrangements with other churches.

18. The provisions of the Clergy Pensions Measures relating to reciprocal arrangements with other churches or organised bodies of clergy shall extend so as to authorise arrangements for transferring to the pension scheme of another church or body of clergy any claims in respect of pensions payable under this Measure or under agreements made under this Measure, and arrangements for granting rights to clerks in Holy Orders entering the scheme of pensions established by the Clergy Pensions Measures similar to those conferred by Part I of this Measure:

Provided that no claims in respect of a pension payable under an agreement made under this Measure shall be transferred without the consent of the clerk who has entered into such agreement.

Diocesan widows and dependants committees.

19.—(1) In every diocese the diocesan board of finance shall within one year after the commencement of this Measure 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.

Interpretation.

20.—(1) In this Measure—

the expression "clerk in Holy Orders" means a bishop, a priest, or a deacon;

the expression "ordained" means ordained a deacon;

the expression "Clergy Pensions Measures" means the Clergy Pensions Measures, 1926 to 1936;

the expression "Resignation Acts" means the Incumbents Resignation Acts, 1871 and 1887;

the expression "pension" includes where the context so admits pensions for life or any less period;

the expression "prescribed" means prescribed by a byelaw of the pensions authority made under the Clergy Pensions Measures and duly submitted to and approved by the Church Assembly;

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 clerk in Holy Orders making such nomination or entering into such agreement.

(2) References in this Measure to the death of a compulsory contributor under this Measure shall apply to the death of a clerk who was at any time during his life a compulsory contributor under this Measure.

(3) This Measure shall be construed as one with the Clergy Pensions Measures.

Commencement.

21.—(1) This Measure shall come into force on the appointed day.

(2) The appointed day shall be such day not more than six months after the day on which this Measure receives the Royal Assent, as the Archbishops of Canterbury and York by writing under their respective hands and archiepiscopal seals shall jointly determine.

(3) The determination of the appointed day under this section shall be notified by advertisement in the London Gazette.*

Short title.

22. This Measure may be cited as the Clergy Pensions (Widows and Dependants) Measure, 1936, and this Measure and the Clergy Pensions Measures may be cited together as the Clergy Pensions Measures, 1926 to 1936.

Extent.

23. This Measure shall extend to the provinces of Canterbury and York including the Channel Islands and the Isle of Man.

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* The day thus determined was July 1, 1936: *see* London Gazette, June 16, 1936, page 3849.

Sections 3, 4.

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 6
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 6
33	3 11 0
34	3 13 6
35	3 16 0
36	3 19 6
37	4 3 0
38	4 6 6
39	4 10 6
40	4 14 6
41	4 19 0
42	5 4 0
43	5 9 6
44	5 15 0
45	6 1 0
46	6 8 0
47	6 15 0
48	7 3 0
49	7 11 6
50	8 0 0
51	8 10 6
52	9 2 0
53	9 14 6
54	10 8 0
55	11 2 6
Over 55	Such sum as shall be recommended by the actuary to the pensions authority.

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
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

* See note at foot of next page.

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.*
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 4 and 5 (or, in cases where a disability pension has been taken, payable to a widow under sections 4 and 6) of the Measure. Where the repayable contributions exceed £200, the capitalised value of the pension payable under section 5, 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 4, the figures in the Table, which are calculated on £400, will suffer a proportionate decrease.