

## CHAPTER XIV

### Part I

#### PENSION SCHEMES FOR CLERGY

##### Preliminary

Pensions for Church of Ireland Clergy are governed by two Schemes, a Defined Benefit Scheme which was closed to new entrants on 31<sup>st</sup> May 2013 and a Defined Contribution Scheme which applies to all clergy entering or re-entering service in the Church of Ireland on and from 1<sup>st</sup> June 2013, and also to clergy in the Service of the Church of Ireland on 31<sup>st</sup> May 2013 in respect of their continuing pension arrangements.

The Defined Contribution Pension Scheme, established following the closure of the Church of Ireland Clergy Pensions Fund for future accrual of service in respect of all members and heretofore divided into two sections is, under the provisions of Part II of this Chapter, to be divided into two Schemes, one for Northern Ireland and one for the Republic of Ireland, details of which are set out in Part II. The Church of Ireland Clergy Pensions Fund, while closed to new entrants and future accrual of service on 31<sup>st</sup> May 2013, shall continue to be so designated and shall be regulated and administered in accordance with the provisions of Part III of this Chapter. For the purposes of clarification, definitions relating to both Parts II and III of this Chapter are set out in Part I.

#### 1. Definitions

For the purpose of this Chapter and of any regulations made thereunder, except so far as is otherwise provided or the context otherwise requires, those definitions preceded by \* are relevant only to Part III of this Chapter.

- \* **“accrued pension accumulation”** in respect of a Member of the Clergy who ceases to be a contributing member shall be the benefits calculated in accordance with Section 39.
- \* **“accrued service”** shall mean the number of years’ service which a member has completed and in the event of the final year of service to 31<sup>st</sup> May 2013 being incomplete shall include such part of that year as was completed in terms of days. It shall include any additional service purchased by way of additional personal contributions to 31<sup>st</sup> May 2013 and service transfers made to that date.

**“benefits”** shall include

- (a) retirement pension or retirement annuity payable to a Member of the Clergy;
- (b) pension or annuity payable to a surviving spouse;
- (c) child dependency allowances;
- (d) a lump sum payable either to a member or to such member’s legal personal representatives.

- \* the **“Board”** means the Church of Ireland Pensions Board established and constituted in accordance with Section 25 of this Chapter.
- \* **“contributing member”** shall mean a member of the Fund who had not reached Normal Retirement Age on or before 31<sup>st</sup> May 2013.

**“episcopal service”** shall mean service as a member of the House of Bishops of the Church of Ireland.

**“Episcopal Stipend”** shall mean the relevant multiple of the Minimum Approved Stipend as determined by the Representative Body from time to time in relation to each member of the House of Bishops of the Church of Ireland.

- \* **“Fund”** shall mean the Church of Ireland Clergy Pensions Fund.

**“Member of the Clergy”** shall include an archbishop and bishop, but shall not include a person serving in an auxiliary ministry, a deacon serving in an internship or an auxiliary priest licensed as such under the rules drawn up by the House of Bishops and approved by the General Synod.

**“Minimum Approved Stipend”** shall mean the minimum stipend determined by the General Synod in accordance with the provisions of section 51(1) of Chapter IV.

AMENDED 2015

AMENDED 2015

“**Normal Retirement Age**” from 1<sup>st</sup> June 2013, in respect of those members of the Fund who were contributing members on 31<sup>st</sup> May 2013 and also members of the Clergy Defined Contribution Pension Schemes, shall be in accordance with the following table:

Date of birth	Normal Retirement Age
On or before 31 <sup>st</sup> May 1949	65
1 <sup>st</sup> June 1949 to 31 <sup>st</sup> May 1954	66
1 <sup>st</sup> June 1954 to 31 <sup>st</sup> May 1959	67
1 <sup>st</sup> June 1959 and after	68

Subject to the proviso that those members who became members of the Fund on or after 1<sup>st</sup> January 2009 or ceased to be contributing members and re-entered membership of the Fund on or after 1<sup>st</sup> January 2009 shall have a Normal Retirement Age of not less than 67.

- \* “**orphan**” or “**child**” as the case may be shall include a stepchild and a child legally adopted by a member of the Fund.
- \* “**Pensionable Episcopal Stipend**” shall be the same multiples of the Pensionable Stipend as those applied to the Minimum Approved Stipend when determining the Episcopal Stipend.
- \* “**Pensionable Stipend**” shall mean the figure approved annually by the Standing Committee on behalf of the General Synod on the recommendation of the Trustee and the Representative Body having regard to the financial status of the Fund and having received actuarial advice and shall not be a figure lower than that for the previous year.

“**Pensions Act**” shall mean the Pensions Act 1990 (as amended from time to time).

“**Pensions Authority**” shall mean the regulatory body for occupational pension schemes in the Republic of Ireland.

“**Pensions Regulator**” shall mean the regulatory body for occupational pension schemes in Northern Ireland.

“**Service in the Church of Ireland**” for the purposes of this Chapter shall mean service as a Member of the Clergy who

- (a) holds the office of bishop, incumbent, vicar, bishop’s curate or curate assistant in the Church of Ireland; or
- (b) is the Dean, the Dean’s Vicar, or the Succentor of the Cathedral Church of St Patrick, Dublin; or
- (c) is duly licensed and a paid officer of the Church of Ireland or of any Council of Churches of which the Church of Ireland is a member, or of any Society or Institution or Diocesan Organisation working in connection with the Church of Ireland, as recommended by the House of Bishops and recognised as such by the Representative Body for the purposes of this Chapter.

The Representative Body, in its discretion, may recognise service in a full time appointment in connection with Religious Education as equivalent for the purposes of this Chapter to service in the Church of Ireland but on such terms and conditions as the Trustee may from time to time prescribe.

“**Revenue Authorities**” means, in relation to the Republic of Ireland, the Revenue Commissioners and, in relation to Northern Ireland, HM Revenue & Customs.

“**Taxes Act**” shall mean the Taxes Consolidation Act 1997 (as amended from time to time).

- \* “**the Trustee**” shall mean The Church of Ireland Clergy Pensions Trustee Limited.
- \* “**total prospective service**” shall mean the accrued service which a member would have achieved on reaching Normal Retirement Age having remained a member until that date.

- \* **“voluntary member”** shall mean a Member of the Clergy who was permitted to continue to be a contributor in accordance with section 22 of Chapter XIV of the Constitution 1972.
- \* **“year of service”** shall mean a year or part thereof in respect of which a contribution has been paid to the Fund or, in accordance with any reciprocal agreement with another Church, is deemed to have been paid.

## Part II

### THE CHURCH OF IRELAND CLERGY DEFINED CONTRIBUTION PENSION SCHEMES

2. The Church of Ireland Clergy Defined Contribution Pension Scheme established with effect from 1st June 2013, regulated by Rules made by the Representative Church Body subject to the approval of the General Synod and heretofore divided into two sections known as the Northern Ireland Section and the Republic of Ireland Section, shall hereafter be divided into two Schemes to be known as the Church of Ireland Clergy Defined Contribution Pension Scheme for Northern Ireland and the Church of Ireland Clergy Defined Contribution Pension Scheme for the Republic of Ireland.
3. Each Scheme shall have separate Trustees appointed by the Representative Church Body.
4. (a) In accordance with statutory pension regulations, the two Schemes shall be regulated by separate rules made by the Representative Church Body in conjunction with the relevant Trustees and subject to the approval of the General Synod, hereinafter referred to as the Church of Ireland Clergy Defined Contribution Pension Scheme - Northern Ireland Section Scheme Rules and the Church of Ireland Clergy Defined Contribution Pension Scheme - Republic of Ireland Section Scheme Rules.  
  
(b) Any amendment which may be made to the Rules for either Scheme may be approved by the Standing Committee of the General Synod provided that they are reported to the next following General Synod.
5. Upon reaching Normal Retirement Age members will receive retirement benefits from the relevant Clergy Pension Defined Contribution Scheme and, where applicable, benefits accrued to 31<sup>st</sup> May 2013 under the provisions of Part III of this Chapter from the Clergy Pensions Fund.

### MEMBERSHIP

6. A Member of the Clergy who enters Service in the Church of Ireland will be enrolled in the relevant Church of Ireland Clergy Defined Contribution Pension Scheme unless that Member of the Clergy formally elects to opt out of membership of the Scheme.
7. A Member of the Clergy who re-enters Service in the Church of Ireland will be enrolled in the relevant Church of Ireland Clergy Defined Contribution Pension Scheme unless that Member of the Clergy formally elects to opt out of membership of the Scheme.

### OPERATION OF THE SCHEMES

8. (a) Member's pension fund

Unless a member, upon or after attaining his or her Normal Retirement Age, requests the cessation of pension contributions, contributions required to be paid to the member's pension fund until the member retires shall be as follows:

- (i) A member contribution of 9% per annum of the relevant Minimum Approved Stipend or Episcopal Stipend by a monthly deduction from the stipend of each member concerned; and
- (ii) A Parish / Diocesan Council / Other contribution of 8% per annum of the relevant Minimum Approved Stipend or Episcopal Stipend by assessment on that Parish / Diocesan Council / Other concerned for paying that member's stipend provided that this contribution rate may be increased from time to time by the Standing Committee on behalf of the General Synod on the recommendation of the Representative Body, having taken appropriate advice, or, having previously been increased, the contribution rate may be reduced from time to time

by the Standing Committee on behalf of the General Synod on the recommendation of the Representative Body, having taken appropriate advice, but shall not be reduced below 8% per annum of the relevant Minimum Approved Stipend or Episcopal Stipend.

(b) Death in Service insured benefit:

Until a member attains his or her Normal Retirement Age contributions to Death in Service insured benefit is payable by a Parish / Diocesan Council / Other contribution at a contribution rate determined by the Representative Body to meet the cost of the benefit by way of assessment on that Parish / Diocesan Council / Other concerned for paying that member's stipend.

### INVESTMENT CHOICE

9. Upon enrolment in the relevant Scheme, a member's monthly contributions will initially be invested in the default investment option, as offered from the appointed pension provider, unless otherwise instructed by the member.

### BENEFITS

10. (a) On retirement, benefits will be paid in accordance with the Clergy Defined Contribution Scheme Rules of each Pension Scheme.
- (a) On death in service before reaching Normal Retirement Age, benefits will be paid in accordance with the Life Assurance policy in place for the relevant jurisdiction.
- (b) On death in service on, or after, reaching Normal Retirement Age, benefits will be paid in accordance with the Clergy Defined Contribution Scheme Rules of each Pension Scheme.
- (c) On death in retirement, benefits will be paid in accordance with selected options made by the member at retirement.

### Part III

### THE CHURCH OF IRELAND CLERGY PENSIONS FUND

11. The Fund established by Statute of the Church of Ireland, Chapter V of 1976, on 1<sup>st</sup> January 1976, as The Church of Ireland Clergy Pensions Fund for the financial assistance of clergy who are members of the Fund and who retire or who become unable to continue the exercise of their ministry by reason of infirmity, accident or disease and for the financial assistance of the surviving spouses and orphans of the members of the Fund, shall continue to be designated as "The Church of Ireland Clergy Pensions Fund" and shall be regulated and administered in accordance with the provisions of this Part of this Chapter. The Fund was closed to new entrants and future accrual of service on 31<sup>st</sup> May 2013.
12. (a) A Member of the Clergy who re-enters Service in the Church of Ireland on or after 1st June 2013 shall have his or her benefits calculated in accordance with Section 39 and will become a member of the relevant Church of Ireland Clergy Defined Contribution Pension Scheme subject to the provisions of this Chapter.
- (b) A contributing member of the Fund on 31<sup>st</sup> May 2013, who was neither an archbishop nor a bishop or who did not become an archbishop or bishop until after 31<sup>st</sup> May 2013 shall, upon reaching his or her Normal Retirement Age, receive such benefit from the Fund based on the Pensionable Stipend in relation to his or her office as at 31<sup>st</sup> May 2013 and accrued service to that date. The pension shall be calculated in accordance with either Section 42 or Section 43 as the case may be.
- (c) A contributing member of the Fund, who was either an archbishop or bishop on 31<sup>st</sup> May 2013 shall, upon reaching his or her Normal Retirement Age, receive such benefit from the Fund based on applicable Pensionable Episcopal Stipend in relation to his office as at 31<sup>st</sup> May 2013 and that member's accrued service to 31<sup>st</sup> May 2013;

- (i) For an archbishop or bishop who entered episcopal service on or before 31<sup>st</sup> December 2010, Section 68 shall apply.
- (i) For an archbishop or bishop who entered episcopal service on or after 1<sup>st</sup> January 2011, Section 77 shall apply.
- (d) With effect from 1<sup>st</sup> June 2013 all other relevant Sections of this Chapter (excluding Sections 52(1) (a), 73 (1) and 82 (1)) shall apply as if a contributing member as at 31<sup>st</sup> May 2013 commenced on a pension payable out of the Fund on 1<sup>st</sup> June 2013 upon reaching his or her Normal Retirement Age, subject to any change in Pensionable Stipend or Pensionable Episcopal Stipend in the interim period.

### **Transfer of Existing Funds, Membership and Benefits**

- 13. Subject to the provisions of Section 15 of this Chapter, nothing herein contained shall affect any right existing on the 31<sup>st</sup> December 1975, in any person under the provisions of Chapters XIV and XV of the statute entitled the Constitution of the Church of Ireland (Chapter I of 1972), but such right shall continue to exist and shall be enforceable as if the said Chapters XIV and XV had not been repealed.
- 14. The annuities which immediately prior to 1<sup>st</sup> January 1976 and under Section 13 hereof were payable to widows and orphans out of the Widows and Orphans (Church of Ireland) General Fund, shall be payable out of the Fund.
- 15. Notwithstanding the provisions of Section 13 of this Chapter:
  - (a) voluntary members of the Widows and Orphans Fund on the 31<sup>st</sup> December 1975, shall not become members of the Fund, but shall be entitled to a refund of the contributions they have paid to the Widows and Orphans (Church of Ireland) General Fund since they last ceased to be compulsory members, with interest at 3% thereon;
  - (b) members who subscribed for increased or double benefits, as the case may be, in accordance with the provisions of Section 14 or 15 of Chapter XIV of the Constitution 1972, shall be entitled to a refund of the contributions paid in excess of those fixed under paragraphs (a) or (b) of Section 11 of the same Chapter, with interest thereon at 3%:

Provided however that any such Member of the Clergy who gave notice in writing to the Trustee before the 31<sup>st</sup> December 1976, may continue as a voluntary contributor or to subscribe for increased or double benefits, as the case may be, at the same rate of contribution or excess contribution, and for the benefits or excess benefits in effect on the 31<sup>st</sup> December 1975.

### **COMPOSITION OF THE FUND**

- 16. The Fund shall consist of
  - (a) the capital held by the Trustee in the account of the Fund and the income arising thereon;
  - (b) contributions to the Fund under this Chapter;
  - (c) every donation, benefaction and bequest and every sum of money received for the benefit of the Fund: Provided that the Trustee shall not be bound to accept any donation, benefaction or bequest if in its opinion same shall not be for the benefit of the Fund;
  - (d) such sum as shall be received under the provisions of Section 19 of this Chapter;
  - (e) every such other sum as the General Synod may allocate to the Fund from time to time.

### **TRUSTEE AND TERMS OF TRUST**

- 17. The Trustee shall be the sole Trustee of the Fund and shall hold the Fund upon trust to apply the same in or towards providing the pensions and other benefits payable under this Chapter and shall make payments from the Fund as provided by this Chapter. No amendment shall be made by the Representative Body to any provision of the Memorandum or the Articles of Association of the Trustee save with the consent of the General Synod.
- 18. The Fund shall be maintained by the Trustee as a separate fund and shall be invested by the Trustee in accordance with Section 24 of this Chapter.

19. The Representative Body shall, after each valuation of the Fund and after consultation with the Actuary and the Trustee make provision to maintain the solvency and to secure the benefits of the Fund in such manner as it may think fit.

#### **WINDING UP OF THE FUND**

20. If circumstances require that the Fund must be terminated and wound up, then the Fund shall be realised and applied in accordance with the laws of Ireland in force at the time of winding up of the Fund provided that only the General Synod shall decide if the Fund must be terminated and wound up.

#### **ADMINISTRATION OF THE FUND**

21. The Fund shall be administered by the Trustee with the assistance of the Board.
22. (1) The powers and duties of the Trustee shall be:
- (a) to make such Regulations as it may deem necessary for the administration of the Fund including Regulations concerning the recognition of pension schemes for use by those deployed on a part-time basis in stipendiary ministry and related matters: Provided that such Regulations do not contravene any of the provisions of this Chapter;
  - (b) to have the Fund valued by the Actuary at intervals of not more than three years and to report on such valuation to the General Synod;
  - (c) to take such action, not being contrary to the provisions of this Chapter, as may be deemed necessary or advisable in the interests of the Fund and its members;
  - (d) to appoint an Actuary and agree the terms of such appointment;
  - (e) subject to the approval of the Representative Body to appoint and define the terms and conditions of appointment and duties of the company secretary of the Trustee;
  - (f) to charge expenses of the administration of the Fund against the Fund;
  - (g) to obtain legal advice when considered appropriate;
  - (h) to appoint members of Medical Panel and to define their duties and remuneration;
  - (i) to administer the Fund and the system of contributions and benefits established by this Chapter in accordance with the general principle that a proper actuarial relation shall be maintained between the contributions payable to the Fund and the several benefits proposed to be paid out of the Fund.
  - (j) to receive and decide upon every question arising as to membership, contribution or benefit;
  - (k) to levy, enforce, and receive the contributions and to authorise payment of the benefits provided for by this Chapter;
  - (l) to maintain a roll of members of the Fund;
  - (m) to keep records of and to carry out work in connection with any scheme of State Insurance affecting clergy in Service in the Church of Ireland and/or their dependants which may be necessary under any statute for the time being in force in Northern Ireland or in the Republic of Ireland or as may be required by the General Synod;
  - (n) to report annually to the General Synod and the members of the Fund, such report to include financial statements of the Fund showing receipts and payments therefrom together with the certificate of the Auditor appointed to audit the Accounts of the Representative Body.
- (2) Any person aggrieved by any decision made by the Trustee, or by any decision or action by any body or bodies acting on behalf of the Trustee, under any provision of this Chapter shall have a right to bring such grievance to the Internal Dispute Resolution Procedure established by the Trustee. If such person remains dissatisfied following the determination arising from the Internal Disputes Resolution Procedure, that person may subsequently bring the issue to the Pensions Ombudsman appointed under the Pensions Act.

- (3) The Trustee shall have power to appoint such committees from its own members and other persons as it may deem desirable and to delegate to such committees or to the Board or such other persons as the Trustee may deem appropriate any powers and duties, subject to the provisions of this Chapter and all such delegations shall be subject to review by the Trustee as to their proper discharge. In particular, the Trustee shall delegate to the Board all or part of any of the duties set out at sub-sections (1)(h), (i), (j), (k), (l) and (m).
23. (1) The Trustee, on the advice of the Actuary, is authorised to take any such action or make any such regulation, including in particular the separation of the Fund into a Clergy Pensions Fund (Republic of Ireland) and a Clergy Pensions Fund (Northern Ireland), which is in its opinion necessary and in the best interests of the members and annuitants
- (a) to ensure conformity with any statute for the time being in force in Northern Ireland or in the Republic of Ireland whether such statute be enacted before or after the passing of this statute; or
- (b) as a consequence of disparity between the currency of the United Kingdom and the currency of the Republic of Ireland.
- (2) Any such action shall not be taken or regulation made effective until it has been approved or confirmed by a resolution of the Representative Body.
- (3) Any such act of the Trustee shall be reported to the General Synod at its next ordinary session.

#### **INVESTMENT POWERS OF THE TRUSTEE**

24. (1) The Trustee may retain in any bank account such moneys as it may consider proper and shall have power to invest all moneys coming into its hands on account of the Fund and to transpose and vary any such investments into any form of investment, (including such financial derivatives and other instruments approved from time to time by the Representative Body), that it may think fit. All such investments shall be made in whatever currencies as may be required to enable the Trustee to invest moneys held by it for investment to the best advantage and to give such security and to enter into whatever arrangements as may be necessary in connection therewith: Provided that the Trustee shall not be liable for any loss occasioned by the depreciation or failure of any investment or otherwise save by the Trustee's own wilful default.
- (2) The specific policies adopted from time to time by the Trustee are specified in the Statement of Investment Policy Principles relating to the Clergy Pensions Fund which is approved by the Representative Body and is available for inspection by members of the Fund. Social, environmental and ethical issues in relation to the selection, retention and realisation of investments shall be reviewed on an annual basis by the Investment Committee of the Representative Body on behalf of the Trustee and the Representative Body.

#### **THE CHURCH OF IRELAND PENSIONS BOARD**

25. The Board shall consist of seven members appointed as follows:
- (a) One member of the House of Bishops, elected by that House before 30th June 2015 and triennially thereafter;
- (b) One member of the General Synod who is a member or spouse of a member of the Fund and two other members of the General Synod, elected by the General Synod in the year 2015 and triennially thereafter;
- (c) One person who is a member or spouse of a member of the Fund and two other persons, elected by the Representative Body at its meeting next following the General Synod in 2015 and triennially thereafter, provided that all such members, on the 1<sup>st</sup> January preceding election shall have attained the age of seventeen years and have not attained the age of seventy-four years.
26. Any casual vacancy occurring by death, resignation or otherwise shall be filled by election
- (a) in the case of a member elected by the House of Bishops or the Representative Body, by the said House or Body, as the case may be;
- (b) in the case of a member elected by the General Synod, by the Standing Committee of the General Synod.

Any person elected to fill a casual vacancy shall hold office only for as long as the member whose place such person fills would have held office.

27. (1) Four members attending the meeting, either in person or by teleconference, shall form a quorum. At least one of the quorum shall be a member elected by the General Synod and at least one shall be a member elected by the Representative Body. A member of the Board shall not be entitled to be present at a meeting of the Board while any matter to which such member is specifically a party is being considered.
- (2) The Board shall, at its first meeting after 30th June 2015, and triennially thereafter, elect a chairperson, a vice-chairperson, and an honorary secretary out of its own members. The chairperson, or in the chairperson's absence the vice-chairperson, shall have a casting as well as an ordinary vote on all questions. Casual vacancies in any of the offices referred to in this Section may be filled at any meeting of the Board, the person so elected to hold office until the next triennial election.
28. The powers and duties of the Board shall be those powers and duties delegated to it by the Trustee under Section 22(3) of this Chapter. In addition, the Board shall discharge any duties that may at any time be delegated to it by the Trustee or that may otherwise be assigned to it.

#### **INALIENABILITY**

29. Entitlement to any benefit under this Chapter is proper to the beneficiary only, and shall cease to exist if any instrument or act purports to assign, charge, pledge, hypothecate or anticipate such benefit or to pass it to any trustee in bankruptcy: Provided that nothing in this Section shall prevent the payment of benefit to such person as the Trustee may appoint in any case in which the beneficiary is incapable or incompetent.

#### **RETIREMENT AND SURRENDER BY APPLICANTS**

30. Every applicant to whom a retiring annuity is granted under this Chapter must, before the payment thereof, resign any benefice, curacy, dignity of any kind, or other office held in the Church of Ireland, or any chaplaincy to which such applicant was appointed during the tenure of, and by reason of holding, any of the said offices; and must also surrender any glebe house or other residence, and any glebe lands or other property, occupied or enjoyed by virtue of such benefice or office; but may retain, with the consent of the bishop, but not otherwise, any allowance for good service or for long service: Provided that such retention of allowance shall not be contrary to the terms of any financial scheme of the diocese, as sanctioned by the Representative Body; and Provided further that the Representative Body, with the consent of the diocesan council, may let to any applicant on such terms as may be agreed upon, any such house, residence, lands, or property, or any part thereof, which are not, in the opinion of the Representative Body, required for the use or occupation of such applicant's successor; but subject to the payment by the applicant, during such letting, of any rent, rent-charge, interest, or instalments, payable in respect of the occupation of the premises; and the amount so payable by the applicant shall be deductible from such applicant's retiring annuity, and shall be applied in the same manner as income arising from the proceeds of sale of a glebe in accordance with rule 4 of Chapter XIII.
31. Without prejudice to the continued payment of any pension under this Chapter, every Member of the Clergy in receipt of any such pension shall remain and be subject to the discipline, laws, and ordinances, and amenable to the courts and tribunals of the Church of Ireland in the same manner in all respects as if such person were still in Service in the Church of Ireland.

#### **MEDICAL PANEL**

32. For the purposes of securing an Ill Health pension (Section 47) a Medical Panel shall consist of not less than three medical experts, appointed under Section 22(1)(h).

#### **MEMBERSHIP**

33. Each Member of the Clergy in Service in the Church of Ireland on the 1<sup>st</sup> January 1976 was enrolled without medical examination as a member of the Fund, subject to the provisions of this Chapter, and was so enrolled with credit for the number of years' service to which such person was entitled under the provisions of Chapter XV of the Constitution 1972 immediately prior to its repeal.
34. Membership of the Fund is restricted to those who were members of the Fund as at 31<sup>st</sup> May 2013.
35. No Member of the Clergy, exempted or excluded from membership in the Fund, nor any surviving spouse and/or children of such Member of the Clergy, shall have any claim to any benefit from the said Fund.

### RATES OF CONTRIBUTION AND BASIS OF PAYMENT

36. With effect from 1<sup>st</sup> June 2013 and in order to secure the solvency of the Fund a levy shall be paid by each Diocese. All cures and other recognised offices within each Diocese will be subject to the levy which will be set at a percentage of Minimum Approved Stipend. Such levy shall be paid in respect of each curate assistant (including those appointed after 31<sup>st</sup> May 2013), in addition to the levy on a cure, but only for the duration of the appointment of that curate assistant.

The percentage of Minimum Approved Stipend to be applied as the levy will be approved annually by the Standing Committee on behalf of the General Synod on the recommendation of the Trustee and the Representative Body having regard to the financial status of the Fund and having received actuarial advice.

### CONTRIBUTIONS FROM CENTRAL FUNDS

37. From time to time, contributions to the Fund may be made from the Representative Body or from such other source under the control of the Representative Body or the General Synod, as the Representative Body, with the approval of the Standing Committee of the General Synod, may determine.

Such contributions may be transferred at the discretion of the Representative Body in an amount, in a form and at a time deemed by the Representative Body to be most appropriate for the balanced and prudent management of the finances of the Representative Body.

### OTHER CONTRIBUTIONS

38. Any Council, Society, Institution or Organisation which was responsible for the payment of a contribution to the Fund in respect of a member of the Fund as at 31<sup>st</sup> May 2013 shall pay a levy as prescribed in Section 36 of this Chapter in respect of that member.

### WITHDRAWAL AND EXEMPTIONS

39. (1) Should a member cease to be a contributing member other than by retiring in accordance with any of Sections 42, 43, 44, 46 or 47 such member shall receive:
- (a) if such member has not completed two years of service, either a withdrawal benefit of the contributions paid by that member to the Fund with interest thereon at 3% *per annum* less any applicable tax or, at that member's discretion and with the consent of the Trustee, the accrued pension accumulation, in the form of a deferred pension, payable under Sections 42, 43, 44, 45, 46 or 47 whichever is applicable;
  - (b) if such member has completed two years of service, either the accrued pension accumulation, in the form of a deferred pension, payable under Sections 42, 43, 44, 45, 46 or 47 whichever is applicable, or a transfer to another fund or plan of that member's choice which shall have been approved by the relevant Revenue Authority of such sum as shall be decided upon by the Trustee on the advice of the Actuary as representing the value of the accrued pension accumulation.
- (2) When a member ceased on or after 1<sup>st</sup> January 1977 to be a contributing member and has not received a withdrawal benefit or a transfer in pursuance of sub-section (1)(b) of this Section, the portion of that member's accrued pension accumulation attributable to the contributions paid on or after 1<sup>st</sup> January 1976 (or if that member was enrolled after 1<sup>st</sup> January 1976 the accrued pension accumulation) subsisting on 31<sup>st</sup> December 1998 and each subsequent year shall be revalued with effect on and from 1<sup>st</sup> January of the following year in accordance with any applicable legal requirements.
- (3) (a) If a former member entitled to an accrued pension accumulation dies, and is survived by a spouse or dependent children, Sections 52 to 60 inclusive shall apply as if the former member had died in Service in the Church of Ireland, and for the purposes of Sections 52 and 57 pension entitlement shall be deemed to be that former member's accrued pension accumulation.
  - (b) If a former member entitled to an accrued pension accumulation dies prior to reaching the age at which payment of pension would have commenced and is unmarried or leaves no surviving spouse nor dependent children, a sum to be decided upon by the Trustee on the advice of the Actuary as representing the value of that former member's accrued pension accumulation shall be paid to the legal personal representatives of the deceased former member: Provided that at least five years' contributions have been paid and that at least two of those years relate to the period after 1<sup>st</sup> January 1991.

- (4) If a former member who is entitled to an accrued pension entitlement satisfies the requirements of Section 40(b) prior to Normal Retirement Age, the accrued pension entitlement shall be payable during such period, if any, prior to Normal Retirement Age as the Trustee shall decide.
- (5) The Trustee shall deduct from any payment made by it under this Section any tax chargeable in respect of such payment.
- (6) Section 31 of this Chapter shall not apply to a former member who is in receipt of a benefit under this Section.

### BENEFITS

40. Every applicant for a pension, unless deemed to have resigned in accordance with Section 36 of Chapter IV, must satisfy the Trustee by such evidence as it shall deem sufficient that, as on the date of commencement of the annuity, either
  - (a) such applicant is aged not less than sixty years and has served as a Member of the Clergy of the Church of Ireland for not less than two years; or
  - (b) such applicant has served as a Member of the Clergy of the Church of Ireland for not less than ten years and, as evidenced by a report from the Medical Panel appointed by the Board, is either
    - (i) permanently disabled by age or infirmity from the efficient discharge, without assistance, of ministerial or official duties; or
    - (ii) permanently and wholly disabled by age or infirmity from the efficient discharge of any ministerial or official duties.
41. It shall be the duty of every member of the Fund, surviving spouse of a member of the Fund, or the guardian of the children of a deceased member of the Fund, to furnish the Trustee with such information as the Trustee may from time to time require.

#### Normal Retirement Pension

42. A Member of the Clergy, who was a member of the Fund on or before 31<sup>st</sup> December 2008 and for whom Normal Retirement Age is per the table in Part I, who retires on reaching their Normal Retirement Age, shall receive a pension calculated in the following manner, that is to say, the accrued service in the Church of Ireland to 31<sup>st</sup> May 2013 but excluding such years in excess of 40, multiplied by one sixtieth part of the Pensionable Stipend in force on the last day of that member's service.
43. A Member of the Clergy, who has entered membership of the Fund on or after 1<sup>st</sup> January 2009 and for whom Normal Retirement Age is 67 or 68, as per the table in Part I, who retires on reaching his or her Normal Retirement Age, shall receive a pension calculated in the following manner, that is to say, the accrued service in the Church of Ireland to 31<sup>st</sup> May 2013, multiplied by one sixtieth part of the Pensionable Stipend in force on the last day of that member's service.

#### Early Retirement Pension

44. Should a member of the Fund who has completed two years' Service in the Church of Ireland wish to retire after attaining the age of 60 years before reaching Normal Retirement Age and applies for payment of their accrued pension, the pension payable shall be the product of a sum calculated in accordance with the provisions of Section 42 or Section 43 as the case may be, multiplied by such rate as the Trustee may determine on the advice of the Actuary. The Trustee may decide that payment of the pension be deferred until the member reaches their Normal Retirement Age.

#### Late Retirement Pension

45. (1) A member in Service in the Church of Ireland who was a member on 31<sup>st</sup> December 2008 but had not yet reached Normal Retirement Age and who subsequently retires after reaching Normal Retirement Age, shall be entitled to a pension which shall be the product of a sum calculated in accordance with the provisions of Section 42 applied on the day on which that member reached Normal Retirement Age, multiplied by such rate as the Trustee may determine on the advice of the Actuary.
- (2) A member in Service in the Church of Ireland who became a member on or after 1<sup>st</sup> January 2009 and who subsequently retires after reaching Normal Retirement Age shall be entitled to a pension which shall be the product of a sum calculated in accordance with the provisions of Section 43 applied on the day on which that member reaches Normal Retirement Age, multiplied by such rate as the Trustee may determine on the advice of the Actuary.

46. (1) A member in Service in the Church of Ireland on 31<sup>st</sup> December 2008, who had reached the age of 65 years on that date and retires on or after 1<sup>st</sup> January 2009, shall be entitled to a pension calculated in accordance with the provisions of sub-section (2) of this Section and Section 45(1) calculated in the following manner: the pension as calculated as at 31<sup>st</sup> December 2008 in accordance with sub-section (2) of this Section multiplied by such rate as the Trustee shall determine from time to time on the advice of the Actuary. The year 2009 (or a portion thereof if less than one year) will be deemed to be Year 1 after Normal Retirement Age for the purposes of the calculation.
- (2) In respect of a member who retires under sub-section (1) hereof, the following shall be the basis of calculation:

The pension shall be the product of a sum calculated in accordance with the provisions of Section 42 applied as on the day on which such member reached the age of 65 years, multiplied by the relevant rate % in accordance with the following table:

Postponed Retirement Age	Rate %
66	110
67	122
68	135
69	149
70	165
71	182
72	201
73	222
74	245
75	271

Provided that, if the pension were to be greater if it were calculated in accordance with the provisions of Section 42 relating to:

- (a) years of service to the date of retirement excluding any years in excess of 45; and
- (b) Minimum Approved Stipend for 2008

that member shall receive instead such increased pension.

### Ill Health Pension

47. A member who is under Normal Retirement Age and seeks to retire on the grounds of ill health under Section 40(b) and who the Trustee determines, on the basis of medical reports furnished by at least two members of the medical panel, cannot be expected to return to duty or take up regular employment shall receive a disability pension for the duration of such member's incapacity for work equal to 90% of a pension calculated in the manner laid down in Section 42 or Section 43 as the case may be, subject to a minimum pension of 15% of the Pensionable Stipend in force on the last day of service.

Provided that if a member to whom this Section refers is unable to carry out ministerial or official duties for a period of six months (or such shorter period not in any event being less than three months as the Trustee may in any particular case determine) before the date of retirement, such member's pension shall be calculated in the manner laid down in Section 42 or Section 43 as the case may be, subject to a minimum pension of 15% of the Pensionable Stipend in force on the last day of service.

### Other

48. The provisions of this Chapter in force upon the date on which a member, in accordance with the provisions of Section 39 of this Chapter, ceased to be a contributor to the Fund shall continue to apply to or in respect of that member notwithstanding any modifications which may subsequently be made to those provisions.

This Section shall not apply to any modifications to Section 39 of this Chapter which are included in a Statute enacted by the General Synod at its ordinary session in the year 1998.

49. The Trustee shall, in relation to contributors resident in both Northern Ireland and Republic of Ireland, administer the Church of Ireland Voluntary Contributions Schemes, the establishment of which was approved by resolution of the General Synod dated 21<sup>st</sup> May 1985, in compliance with Additional Voluntary Contributions statutory regulations in force in both jurisdictions at that time and as subsequently amended from time to time.

#### **Death Benefits and Surviving Spouse's Pension**

50. Where a member dies while in Service in the Church of Ireland before reaching Normal Retirement Age and in respect of whom a contribution has been paid to the Fund and who was not accepted for insured benefits in the Clergy Defined Contribution Pension Scheme as at 1<sup>st</sup> June 2013, there shall be paid to such member's legal personal representatives a lump sum equal to the Pensionable Stipend in force on the date of death of the said member multiplied by four.
51. (1) When a member, the payment of whose pension has commenced, dies not more than five years after the date on which such payment commenced, there shall be paid to such member's legal personal representatives a lump sum as may be determined by the Trustee on the advice of the Actuary representing the annual rate of pension operative on the date of death multiplied by the number of years and portion of a year from the date of death to the date which is five years after the date on which payment commenced.
- (2) When a member dies in Service in the Church of Ireland after reaching Normal Retirement Age, such member shall be deemed for the purposes of this Section to have retired on pension on the date of death.
52. Except as hereinafter provided:
- (1) (a) The surviving spouse of a member who dies before reaching Normal Retirement Age while in Service in the Church of Ireland on or after 17<sup>th</sup> May 2001 shall receive from the date of death of the deceased member a pension as set out in the provisions of the relevant Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the member's pension from the Clergy Pensions Fund at date of death is greater than the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
- (b) The surviving spouse of a member who was in Service in the Church of Ireland on 18<sup>th</sup> May 1989 and was aged 70 years or over on that date, and the surviving spouse of a member who was in receipt of a pension on that date, shall receive a pension at the rate of eight-ninths of the deceased member's pension entitlement at the date of death.
- (c) The surviving spouse of any other member shall receive a pension at the rate of two-thirds of the deceased member's pension entitlement at the date of death or, if such member had exercised the option to commute under Section 86, two-thirds of what such member's pension entitlement would have been at the date of death if such member had not so commuted.
- (2) If the member was enrolled before 19<sup>th</sup> May 1988, the pension under sub-section (1) (b) or (c) shall be not less than 15% of the Minimum Approved Stipend for the purposes of Section 51 (1) of Chapter IV in force on the last day of service.
53. If a surviving spouse is more than 10 years younger than the deceased member, and if the marriage has taken place less than two years before such member's death, the surviving spouse's benefit shall be for an amount to be determined by the Trustee on the advice of the Actuary.
54. If the member other than a member enrolled under Section 33 of this Chapter was enrolled at age fifty-five years or later such member's surviving spouse's and children's benefits shall be in amounts to be determined by the Trustee on the advice of the Actuary.
55. Subject to the provisions of this Chapter, no benefits shall be payable to the surviving spouse or children of a marriage taking place after retirement.
56. A surviving spouse shall cease to be entitled to any benefit under this Chapter upon having re-married on or before 17<sup>th</sup> June 1991.

#### **Children**

AMENDED 2015

AMENDED 2015

57. (1) The surviving spouse of a member of the Fund who dies in Service in the Church of Ireland shall receive a child dependency allowance equal to one third of the said surviving spouse's pension as set out in Section 52 in trust for each of the deceased member's children until the month in which the child attains the age of 18 years or marries, whichever is the earlier.

Provided that the total amount payable to the surviving spouse of a member under Section 52 and as trustee under this Section shall not exceed two-thirds of the Pensionable Stipend in force on the last day of the deceased member's service.

- (2) The surviving spouse of any other member of the Fund who is in receipt of a benefit under this Chapter shall receive a child dependency allowance equal to one third of the said surviving spouse's pension entitlement at the date of the member's death in trust for each of the member's children, until the month in which the child attains the age of 18 years or marries, whichever is the earlier.
- (3) The Trustee may at its discretion and without the limitation of age prescribed by sub-sections (1), (2) and (4) of this Section pay a child dependency allowance in respect of a child of any age of a member who dies in, or retires on pension from, Service in the Church of Ireland after 1<sup>st</sup> January 1986 where the medical panel has certified that such child is at the date of death of the member or upon reaching the age of 18 years (whichever is the later) wholly incapable of self-support by reason of physical or mental handicap.
- (4) The limitation of age prescribed by sub-sections (1) and (2) of this Section shall, in respect of each child who is engaged in third-level education, be 23 years.
58. In the event of the death of both parents of a child eligible for benefits under this Chapter the Trustee shall determine how much, if any, of the benefits which would have been paid to the surviving spouse under Section 52, 73 or 82, if the surviving spouse had remained living, may become payable and be paid in addition to the child dependency allowance, provided always that such benefits will only be paid until such child attains the age of 18 years or, if engaged in third-level education, 23 years, or marries, whichever is the earlier. The said benefits shall be paid to the legally appointed guardian of the said child or if no such guardian has been appointed to such other person as the Trustee may from time to time approve to be held in trust by such guardian or other person for the said child.
59. Notwithstanding anything contained in this Chapter, the Trustee shall give effect to any order made by a civil court concerning retirement benefits consequent on the grant of a decree of judicial separation, annulment or dissolution of the marriage of a member or any order in proceedings concerning the custody of a child or children of a member.
60. (1) Where prior to death a deceased member and that member's spouse were separated or the marriage was annulled or dissolved, and an order to which Section 59 refers has not been made, a child dependency allowance shall be payable in respect of each of the children of the marriage to the person having actual custody of the children or such other person as the Trustee may from time to time approve to be held in trust by such person for each such child until the month in which such child attains the age of 18 or, if engaged in third-level education, of 23, or marries, whichever is the earlier.
- (2) A child dependency allowance payable under this Section shall be calculated in accordance with the provisions of Section 57(1) as if the provisions of that Section applied to this Section.
- (3) The provisions of Section 57(3) shall apply to allowances under this Section without the limitation of age prescribed by sub-section (1) of this Section.

#### **Pension Increases**

61. The rate of
- (a) each pension payable to a member of the Fund under Section 14 or any of Sections 42 to 45 (inclusive) of this Chapter,
- (b) each pension payable to the surviving spouse of a member of the Fund (not being the surviving spouse of a voluntary member) under Section 14 or Section 52 of this Chapter, and
- (c) each child dependency allowance under Section 57 of this Chapter,

AMENDED 2015

AMENDED 2023

which was in course of payment on 31<sup>st</sup> December 2023 and each subsequent year shall be increased with effect on and from 1<sup>st</sup> January of the following year or such other date as the Trustee on the advice of the Actuary and with the approval of the Representative Body may determine, by the percentage required by law, or such greater percentage as the Trustee on the advice of the Actuary and with the approval of the Representative Body may determine.’

#### **PAYMENT OF PENSION**

62. All benefits and allowances accrue from day to day so long as title thereto continues.
63. Payment shall be made by monthly instalments on the last day of the month following that in which the benefit accrues, notwithstanding that the rate of benefit is expressed as an amount *per annum*.
64. (1) Notwithstanding anything to the contrary in this Chapter, a surviving spouse, within twelve months of becoming eligible for a surviving spouse’s pension under this Chapter, may with the approval of the Trustee elect to have entitlement thereto deferred in accordance with the provisions of this Section.
  - (2) The election referred to in sub-section (1) of this Section shall satisfy the following conditions:
    - (a) The election shall be in writing signed by the person entitled to make it or by a person legally authorised to do so on the surviving spouse’s behalf.
    - (b) The deferment shall be effective from the date of first eligibility for the pension to which it relates.
    - (c) The deferment shall remain in force until withdrawn in writing signed by or on behalf of the person who made the relevant election, and specifying the date of withdrawal, which shall be not less than 7 days after notice of the withdrawal has been received by the Board.
  - (3) The rate of a pension so deferred shall for the period in which the deferment remains in force but no longer be augmented at the rate of 6% *per annum* compound interest, and on the termination of that period payment if due shall be made at the rate so augmented: Provided that, when any sum has been paid to the surviving spouse between the date of eligibility for pension and its deferment, the amount of augmentation shall be reduced by such amount as the Actuary shall advise.
  - (4) No pension shall be payable in respect of a period in which a deferment remains in force and if entitlement to a pension ceases during that period, whether by reason of the death of the surviving spouse or otherwise, no payment in respect of arrears for such period shall be payable.
  - (5) No child dependency allowance or any part thereof shall be deferred.

#### **RETIREMENT BENEFITS (EPISCOPAL)**

65. Sections 66 to 75 and 84 to 85 (inclusive) shall apply to an archbishop, bishop or surviving spouse of an archbishop or bishop who had entered episcopal service in the Church of Ireland on or before 31<sup>st</sup> December 2010.
66. Nothing herein contained shall affect any right existing on 31<sup>st</sup> December 1978, in any person under the provisions of Sections 30 to 40 (inclusive) of Chapter VI of the statute entitled the Constitution of the Church of Ireland (Chapter I of 1978), but such right shall continue to exist and shall be enforceable as if the said Sections 30 to 40 of the said Chapter VI had not been repealed.
67. The annuities which immediately prior to the enactment of Sections 65 to 85 of this Chapter and under Section 66 hereof were payable to surviving spouses of archbishops and bishops out of the Fund for the Augmentation of the Incomes of Bishops’ Widows, shall be payable out of the Fund.

#### **Normal Retirement Pension**

68. An archbishop or bishop who entered episcopal service after 17th May 1990 and who has fulfilled the requirements of Section 28 of Chapter VI shall receive a combined pension calculated in the following manner:
  - (a) The greater of;

- (i) the accrued service to 31<sup>st</sup> May 2013 multiplied by one sixtieth of the Pensionable Stipend in force on reaching Normal Retirement Age; or
- (ii) forty sixtieths of the Pensionable Stipend in force on reaching Normal Retirement Age multiplied by the ratio of accrued service to 31<sup>st</sup> May 2013 to the potential service as a member of the Fund to age 65.

Provided that if as a member of the Fund such person is entitled to an increased late retirement pension under Section 45, such person shall receive instead such increased pension

and

- (iii) in respect of each completed year, or part thereof, of episcopal service up to 31<sup>st</sup> May 2013, with a maximum of twelve years, one eighteenth of the difference between the Pensionable Stipend in force on the last day of episcopal service and the Pensionable Episcopal Stipend as fixed by the Representative Body and in force on the last day of episcopal service multiplied by the ratio of accrued episcopal service to 31<sup>st</sup> May 2013 to episcopal service to age 65.

### Early Retirement Pension

69. An archbishop or bishop whose resignation has been accepted under Section 30 (2) of Chapter VI shall receive a pension of an amount to be determined by the Trustee on the advice of the Actuary.

### Other

70. Where an archbishop or bishop has become entitled to a pension under Section 68, and such archbishop or bishop is subsequently instituted or licensed to a paid ecclesiastical office in the Church of Ireland or elsewhere, the following provisions shall apply:
- (a) Such archbishop or bishop shall not be entitled to receive a further lump sum upon ceasing to hold such office.
  - (b) Such archbishop's or bishop's legal personal representatives shall not be entitled to receive any benefit under Section 50.

### Ill Health Pension

71. An archbishop or bishop whose resignation has been accepted under Section 29 (3) of Chapter VI shall receive an ill health early retirement pension equal to 90% of a pension calculated in the manner laid down in Section 68.

Provided that if an archbishop or bishop, to whom this Section refers, is unable to carry out archiepiscopal or episcopal duties for a period of six months (or such shorter period not in any event being less than three months as the Trustee may in any particular case determine) before the date appointed under Section 29 (3) of Chapter VI, such archbishop's or bishop's pension shall be calculated in the manner laid down in Section 68.

### Death Benefits and Surviving Spouse's Pension

72. (1) When an archbishop or bishop, the payment of whose pension commenced after 1<sup>st</sup> January 1986, dies not more than five years after the date on which such payment commenced, there shall be paid to such archbishop's or bishop's legal personal representatives a lump sum as may be determined by the Trustee on the advice of the Actuary representing the annual rate of pension operative on the date of such archbishop's or bishop's death multiplied by the number of years and portion of a year from the date of death to the date which is five years after the date on which payment commenced.
- (2) When an archbishop or bishop dies after 1<sup>st</sup> January 1986 in episcopal service after reaching Normal Retirement Age, such archbishop or bishop shall be deemed for the purposes of this Section to have retired on pension on the date of death.
73. (1) The surviving spouse of an archbishop or bishop who dies before reaching Normal Retirement Age while in episcopal service on or after 17<sup>th</sup> May 2001 shall receive from the date of such archbishop's or bishop's death a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the archbishop's or bishop's pension from the Clergy Pensions Fund at date of death is greater than the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.

- (2) The surviving spouse of any other archbishop or bishop who was in episcopal service on 1<sup>st</sup> January 1979 or who enters episcopal service after that date shall receive a pension at the rate of two-thirds of the deceased archbishop's or bishop's pension entitlement at the date of death or, if that archbishop or bishop had exercised the option to commute under Section 86, two thirds of what that archbishop's or bishop's pension entitlement would have been at the date of death if such archbishop or bishop had not so commuted.
74. (1) The surviving spouse of an archbishop or bishop who is in receipt of a benefit under Section 73 shall receive a child dependency allowance equal to one third of the said surviving spouse's pension in trust for each of the archbishop's or bishop's children, until the child attains the age of 18 years or, if engaged in third-level education, 23 years, or marries, whichever is the earlier:

Provided that the total amount payable to the said surviving spouse under Section 73 and as trustee as aforesaid under this Section shall not exceed two-thirds of the Pensionable Episcopal Stipend in force on the last day of the deceased archbishop's or bishop's service.

- (2) The Trustee may at its discretion and without the limitation of age prescribed by sub-section (1) of this Section pay a child dependency allowance in respect of a child of any age of an archbishop or bishop who dies in, or retires on pension from, episcopal service after 1<sup>st</sup> January 1986 where the medical panel has certified that such child is at the date of death of the archbishop or bishop or upon reaching the age of 18 years (whichever is the later) wholly incapable of self-support by reason of physical or mental handicap.
75. Where an archbishop or bishop dies in episcopal service on or after 1<sup>st</sup> January 1980, such archbishop's or bishop's pension entitlement for the purposes of Sections 72 73 and 74 shall be calculated in accordance with Section 68.
76. Sections 77 to 85 (inclusive) shall apply to an archbishop, bishop or surviving spouse of an archbishop or bishop who enters episcopal service in the Church of Ireland on or after 1<sup>st</sup> January 2011.

#### **Normal Retirement Pension**

77. An archbishop or bishop who has fulfilled the requirements of Section 28 of Chapter VI at Normal Retirement Age shall receive a pension calculated in accordance with the provisions of sub-sections (1) and if applicable, sub-section (2) below:
- (1) The actual service to 31<sup>st</sup> May 2013 as a member of the Fund multiplied by one sixtieth of the Pensionable Episcopal Stipend in force on the last day of such member's service.
- (2) Any additional service to credit under Section 80 multiplied by one sixtieth part of the Pensionable Stipend in force on the last day of such member's service.

#### **Early Retirement Pension**

78. An archbishop or bishop whose resignation has been accepted under Section 30 (2) of Chapter VI shall receive a pension of an amount to be determined by the Trustee on the advice of the Actuary or the Trustee may decide that payment of the pension be deferred until the member reaches their Normal Retirement Age.

#### **Ill Health Pension**

79. An archbishop or bishop whose resignation has been accepted under Section 29 (3) of Chapter VI shall receive an ill health early retirement pension equal to 90% of a pension calculated in the manner laid down in Section 77.

Provided that if an archbishop or bishop, to whom this Section refers, is unable to carry out archiepiscopal or episcopal duties for a period of six months (or such shorter period not in any event being less than three months as the Trustee may in any particular case determine) before the date appointed under Section 29 (3) of Chapter VI, such archbishop's or bishop's pension shall be calculated in the manner laid down in Section 77.

#### **Additional Personal Contributions**

80. The benefit in relation to additional service purchased by an Archbishop or Bishop to 31<sup>st</sup> May 2013 shall be based on the Pensionable Stipend.

#### **Death Benefits and Surviving Spouse's Pension**

81. (1) When an archbishop or bishop, the payment of whose pension has commenced, dies not more than five years after the date on which such payment commenced, there shall be paid to such archbishop's or bishop's legal personal representatives a lump sum as may be determined by the Trustee on the advice of the Actuary representing the annual rate of pension operative on the date of such archbishop's or bishop's death multiplied by the number of years and portion of a year from the date of death to the date which is five years after the date on which payment commenced.
- (2) When an archbishop or bishop dies in episcopal service after reaching Normal Retirement Age, such archbishop or bishop shall be deemed for the purposes of this Section to have retired on pension on the date of death.
82. (1) The surviving spouse of an archbishop or bishop who dies before reaching Normal Retirement Age while in episcopal service shall receive from the date of such archbishop's or bishop's death a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the archbishop's or bishop's pension from the Clergy Pensions Fund at date of death is greater than the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
- (2) The surviving spouse of an archbishop or bishop who dies after reaching Normal Retirement Age while in episcopal service or the surviving spouse of an archbishop or bishop the payment of whose pension had commenced shall receive a pension at the rate of two-thirds of the deceased archbishop's or bishop's pension entitlement at the date of death, or, if such archbishop or bishop had exercised the option to commute under Section 86, two thirds of what that archbishop's or bishop's pension entitlement would have been at the date of death if such archbishop or bishop had not so commuted.
83. (1) The surviving spouse of an archbishop or bishop who is in receipt of a benefit under Section 82 shall receive a child dependency allowance equal to one third of the said surviving spouse's pension in trust for each of the archbishop's or bishop's children, until the child attains the age of 18 years or, if engaged in third-level education, 23 years, or marries, whichever is the earlier:

Provided that the total amount payable to the said surviving spouse under Section 82 and as trustee as aforesaid under this Section shall not exceed two-thirds of the Pensionable Episcopal Stipend (as the case may be) as fixed by the Representative Body and in force on the last day of the deceased archbishop's or bishop's service.

- (2) The Trustee may at its discretion and without the limitation of age prescribed by sub-section (1) of this Section pay a child dependency allowance in respect of a child of any age of an archbishop or bishop who dies in, or retires on pension from, episcopal service after 1<sup>st</sup> January 2011 where the medical panel has certified that such child is at the date of death of the archbishop or bishop or upon reaching the age of 18 years (whichever is the later) wholly incapable of self-support by reason of physical or mental handicap.

#### **Pension Increases**

84. The rate of
- (a) every pension payable to an archbishop or bishop under Section 67 or any of Sections 68, 70 71 and 77, 78, 79 of this Chapter,
- (b) every pension payable to the surviving spouse of an archbishop or bishop under Section 67 or Sections 73 and 82 of this Chapter, and
- (c) every child dependency allowance payable under Sections 74 and 83 of this Chapter
- which was in course of payment on 31<sup>st</sup> December 1980 or any subsequent year shall be increased with effect on and from 1<sup>st</sup> January of the following year by the same percentage as that determined under Section 61 of this Chapter.
85. Sections 29, 30 (subject to the qualification contained in Section 70), 31, 45, 53, 54, 55, 56, 58, 62, 63 and 64 shall apply to the benefits payable under Sections 68 to 84.

#### **COMMUTATION OF PENSIONS**

86. (1) On reaching Normal Retirement Age, a member of the Fund in the Republic of Ireland may opt either:

- (a) to commute not more than one fourth of the pension to which such member would be entitled upon retiring on that day into a lump sum at such rate as the Trustee may determine on the advice of the Actuary in which case the lump sum shall be payable forthwith and the pension entitlement under Sections 42 and 43 and Sections 68 and 77 shall be reduced by a percentage identical with the percentage of the pension which has been commuted; or
  - (b) to defer a decision until retirement.
- (2) A member of the Fund who retires from Service in the Church of Ireland before reaching Normal Retirement Age, or who retires after reaching that age (having deferred a decision under sub-section (1) if appropriate) may opt to commute not more than one fourth of the pension to which such member is entitled into a lump sum at such rate as the Trustee may determine on the advice of the Actuary.
- (3) The exercise of an option under sub-section (1) or (2) shall be made in writing, before actual date of retirement but shall be made not more than six months before date of retirement, and when received by the Board shall be irrevocable.
- (4) In no case shall a lump sum exceed one and a half years' Minimum Approved Stipend of the office held by the member concerned (or, in the case of an archbishop or bishop, one and a half times the Episcopal Stipend, as the case may be, as fixed by the Representative Body) in force at the date on which the lump sum becomes payable under sub-section (1) (a) or (2).

#### **CERTIFICATE OF CONTINUED SOLVENCY**

87. The General Synod shall not consider any motion affecting the system of benefits and contributions set out in this Chapter unless the Actuary has certified that the solvency position of the Fund will not be adversely affected to a material extent.

#### **COMPLIANCE WITH PENSIONS ACT**

88. This Chapter and the Fund are subject to the Pensions Act and shall take effect subject to any modification necessary to comply with it. The duties of the Representative Body, the Trustee, the Actuary and the Auditor shall be regulated by and carried out in accordance with the Pensions Act.

#### **COMPLIANCE WITH TAXES CONSOLIDATION ACT 1997**

89. The Fund is a retirement benefit scheme as defined by Section 771 of the Act, capable of being treated by the Revenue Commissioners as an Exempt Approved Scheme. Notwithstanding anything in this Chapter, no benefit shall be provided under the Fund which would exceed the maximum benefit permitted, or would otherwise conflict with requirements imposed, by the Revenue Commissioners from time to time as a condition of approval under the Act. Any benefit otherwise provided shall be reduced or varied as may be necessary to ensure that the maximum is not exceeded and that there is no conflict with the requirements of the Revenue Commissioners.

**AMENDED 2015**

**AMENDED 2015**