ECCLESIASTICAL LAW

1953 No. 1708

The Ecclesiastical Officers Remuneration Order, No. 1, 1953

Made - - - -	10*th November*, 1953
Laid before Parliament	24*th November*, 1953
Coming into Operation	1*st December*, 1953

We, the Most Reverend and Right Honourable Father in God Geoffrey Francis by Divine Providence Lord Archbishop of Canterbury Primate of all England and Metropolitan and the Most Reverend and Right Honourable Father in God Cyril Forster by Divine Providence Lord Archbishop of York Primate of England and Metropolitan, with the assistance of our respective Vicars-General in exercise of the powers in that behalf conferred on us by the Ecclesiastical Officers Remuneration Measure, 1939(**a**), and of all other powers in this behalf enabling us do hereby order as follows:—

1. The Tables of Fees set forth in the First and Second Schedules to this Order are hereby established and contain particulars of the fees which are to be demanded taken and received by the respective ecclesiastical officers named in those Schedules for the performance by them after the commencement of this Order of the duties of their offices in relation to the respective matters specified in those Schedules.

2. The Table of Fees set forth in the First Schedule to this Order is established by way of substitution for the fees specified in paragraphs 9, 10, 18 and 19 of the Table of Fees recommended by the Convocation of Canterbury on the 27th day of April, 1894.

3. The Tables of Fees set forth in the Second Schedule to this Order are established by way of substitution for:—

(*a*) the fees specified in paragraphs 16 to 23 of the Table of Fees contained in the Table (hereafter in this Order referred to as "the Table of 1908") of Ecclesiastical Fees and Payments allowed by an Order in Council made on the 6th day of October, 1908(**b**); and

(*b*) the fees specified in Rule 8 of the Faculty Jurisdiction Rules, 1939(**c**).

4. The Apparitor's fees on consecrations, faculties and visitations specified in the Table of 1908 shall not be claimed by or payable to any apparitor in respect of any church, cemetery or burial ground consecrated after the commencement of this Order or any faculty granted thereafter or any visitation held thereafter.

5. In relation to fees taken demanded and received pursuant to the Tables of Fees set forth in the Second Schedule to this Order the Rules set forth in the Third Schedule to this Order shall be substituted for Rules 9, 10 and 11

(a) 2 & 3 Geo. 6. No. 2. (b) S.R. & O. 1908/879; Rev. VI, p. 187; 1908, p. 315.
(c) S.R. & O. 1939/771; Rev. VI, p. 298; 1939 I, p. 677.

of the Rules contained in the Table of 1908 (which Rules relate respectively (*a*) to the Consecration of Churches, burial grounds or cemeteries, (*b*) to Faculties, and (*c*) to visitations).

6. This Order shall come into force on the first day of the month next after the month in which it shall have been approved by the Church Assembly.

7. This Order may be cited as The Ecclesiastical Officers Remuneration Order, No. 1, 1953.

Dated the seventh day of October, 1953.

Geoffrey Cantuar:
Cyril Ebor:

Approved by the Church Assembly the tenth day of November, 1953.

J. A. Guillum Scott,
Secretary.

THE FIRST SCHEDULE

TABLE OF FEES

in respect of certain matters specified in the Table of Fees recommended by the Convocation of Canterbury on the 27th April, 1894

—	Registrar or other Officer by usage performing the duty	Secretary of Bishop	Total
	£ s. d.	£ s. d.	£ s. d.
1. Licence of Burial ground until Consecration	0 5 0	0 10 6	0 15 6
2. Licence of Building for Marriages ...	—	0 10 6	0 10 6
3. Investigation of Title and preparation of necessary documents under the Consecration of Churchyards Act, 1867, for consecration of addition to Churchyards	0 5 0	5 0 0	5 5 0
4. *Sequestration of a benefice on a vacancy	2 2 0	—	2 2 0

* Includes a fee of 6s. 8d. for the Chancellor.

THE SECOND SCHEDULE

PART I

TABLE OF FEES

in relation to Consecrations of Churches, Cemeteries and Burial Grounds and in relation to Unopposed Faculties, Archdeacons' Certificates and certain documents connected with the Resignation of Benefices

——	Vicar-General or Chancellor	Registrar or other Officer by usage performing the duty	Secretary of Archbishop or Bishop	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Consecration of a Church and Burial Ground or a Church without a Burial Ground	3 3 0	11 11 0	1 1 0	15 15 0
2. Consecration of a Cemetery or Burial Ground ...	2 2 0	9 9 0	1 1 0	12 12 0
3. Unopposed major Faculty for matters specified in Appendix	1 11 6	4 14 6	—	6 6 0
4. Unopposed minor Faculty in other cases	1 1 0	2 2 0	—	3 3 0
5. Additional fee in unopposed Faculty case (whether or not the Faculty is granted) where the case is specially directed by the Chancellor to be heard in Court—				
(i) If case lasts half a day or less	3 3 0	2 2 0	—	5 5 0
(ii) If case lasts whole day or more than half ...	5 5 0	3 3 0	—	8 8 0
Fees on same scale for subsequent days.				
6. Archdeacon's Certificate in lieu of faculty—				
(*a*) on application ...	—	0 10 6		
(*b*) on filing copy certificate	—	0 10 6	—	1 1 0
7. Episcopal Visitation ...	0 2 0	0 19 0	—	1 1 0
	Archdeacon or Official £ s. d.			
8. Archidiaconal Visitation ...	0 2 0	0 19 0	—	1 1 0
9. Resignation Instrument, when prepared by Secretary	—	—	2 4 6	2 4 6
10. Resignation involving issue of commission to determine annual value of benefice (payable in moieties by the outgoing and incoming Incumbents) ...	—	0 5 0	£2 per cent. upon the annual value (as defined by the Incumbents Resignation Act, 1887) of the Benefice with a minimum of £3 and a maximum of £10	—

APPENDIX

Matters for Major Faculties

1. Where cost of work exceeds £200.
2. Where confirmatory faculty is sought.
3. Where grave space is reserved.
4. Where body is to be exhumed.
5. Where light or air agreement is to be approved.
6. Where faculty is sought under Open Spaces Act, 1906.
7. Where road widening scheme is approved.
8. Where Chancellor so directs in case of unusual difficulty.

PART II

TABLE OF FEES IN OPPOSED FACULTY CASES

No.	Nature of Proceeding	Chancellor	Registrar
		£ s. d.	£ s. d.
1.	Examining Petition with Exhibits and entering same in Court Assignation Book	—	1 1 0
2.	Submitting to the Chancellor the papers, and obtaining his Fiat	—	10 6
3.	Perusing Petition with Exhibits and decreeing Citation	10 6	5 0
4.	For every Seal fee	3 6	5 0
5.	Drawing and engrossing Citation and recording same in Court Assignation Book, per folio of 72 words	—	2 0
6.	Copy Citation for service, per folio	—	6
7.	Examining Certificate of Service and entering same in Court Assignation Book	—	5 0
8.	Filing Proxy on behalf of Petitioners entering in Court Assignation Book	—	5 0
9.	Filing entry of Appearance to Citation	—	2 6
10.	Filing amended Appearance	—	2 6
11.	Filing Pleading subsequent to the Petition ...	—	2 6
12.	Filing amended Pleadings	—	2 6
13.	Filing Interrogatories	—	2 6
14.	Filing Answers of each witness	—	2 6
15.	Every Compulsory, each name	—	2 6
16.	Interlocutory Order for any other purpose in the Cause, each	10 6	5 0
17.	Submitting to the Chancellor the papers and obtaining appointment for Court Day, or Application in Chambers	10 6	10 6
18.	Attending a Summons on application in Chambers	1 1 0	10 6
19.	Every Motion in Court	2 2 0	1 1 0
20.	Hearing in Court—		
	(i) If Case lasts half a day or less	5 5 0	3 3 0
	(ii) If Case lasts whole day or more than half a day	7 7 0	5 5 0
	(iii) If Case lasts more than one day, fees on the same scale to be allowed for the part or whole of each additional day. When, at the request of the parties, Cases are heard in the locality, extra expenses incurred by Court to be also allowed.		
21.	Marking and filing each exhibit	—	2 0
22.	Drawing Order or Minute of Court (minimum fee) or per folio if over 10 folios	—	10 0 1 0

No.	Nature of Proceeding	Chancellor	Registrar
23.	Fair copy into Court Assignation Book (minimum fee)	£ s. d. —	£ s. d. 5 0
	or per folio if over 10 folios	—	6
24.	Drawing Faculty, per folio	—	2 0
25.	Engrossing same, per folio	—	8
26.	Enrolling Faculty in Diocesan Faculty Book, per folio	—	1 0
27.	Correspondence (if any) not to exceed without the sanction of the Chancellor	—	2 2 0
28.	Settling terms of Faculty	2 2 0	10 6
29.	Entering a Caveat	—	10 6

Apparitor's fees

	Apparitor	Remarks
	s. d.	
30. For service of Citation if required by Chancellor	10 6	or per mileage at 1s. per mile one way.
31. Attendance at Court	10 6	

NOTES:

(*a*) The foregoing fees are payable in respect of such of the proceedings as take place whether or not the faculty is granted.

(*b*) Any other fees of the Registry in opposed cases to be paid on the same scale as are allowed for Court Fees, from time to time, in the Supreme Court of Judicature.

THE THIRD SCHEDULE

RULES

Consecration of Churches, Burial Grounds, or Cemeteries

9. The Chancellor's fee includes the approval of plans, the perusal of the petition and other papers, the settling the sentence, and the approval of the Draft Act. The Registrar's fee includes the perusal of the deeds of conveyance, the drawing and engrossing of the petition, and the sentence and the notarial Act, the necessary attendance at the Consecration, and the registering the deeds and the Act in the Register Book of the Diocese and any fee which he may pay to the Apparitor. The Secretary's fee includes the inspection of plans and correspondence prior to the papers being sent to the Registry.

Faculties

10. The Chancellor's fee includes the perusal of the petition, the order for the notice of citation, as the case may be, the perusal of the certificate and other papers, and making the decree. The Registrar's fee includes the perusal of the minutes of the parochial church council and the petition, the drawing of the notice or citation and other necessary documents and attending the Chancellor for his order, the preparation of the certificate and attendance on the Chancellor for his decree, and the drawing and signing the faculty and any fee which he may pay to the Apparitor other than the fees specified in paragraphs 30 and 31 of the Table of Fees in Opposed Faculty cases contained in Part II of the Second Schedule to the above-written Order.

Visitation

11. The Chancellor's fee includes the attendance of the Chancellor or his Surrogate, the examination of the presentments of the outgoing churchwardens, and the admission of the new churchwardens to office. The Registrar's fee includes the drawing and issuing of the inhibition and of the Mandate for the citation of the clergy, the preparation of the Visitation books and of the articles of inquiry, and the presentment papers, the attendance at the Visitation, and attesting the presentments and declarations of the churchwardens, the registering the papers exhibited by the clergy, the tabulating in the Registry the copies of the Register Books of Baptism and Burials, and other papers required to be annually transmitted and any fee which he may pay to the Apparitor.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This order substitutes new fees for those hitherto payable to certain diocesan officers in respect of ecclesiastical duties specified in the first and second schedules to the order.

Those in the first schedule relate to certain licences, to investigation of title etc. for additions to churchyards, and to sequestrations on vacancies in benefices. The fees supersede those in the Table of Fees recommended by the Convocation of Canterbury, 27th April, 1894.

Those in the second schedule relate to various duties in connection with faculties, consecrations, visitations, and also resignations of incumbents. The fees supersede those in paras. 16 to 23 of the Table of Ecclesiastical Fees and Payments allowed by an Order in Council of 6th October, 1908, and in Faculty Jurisdiction Rules, 1939, rule 8. Certain fees payable to Apparitors under the Table of 1908 are discontinued.

The order also provides for new rules, set out in the third schedule, to be substituted for rules 9, 10, 11 of the rules contained in the Table of 1908.

1953 No. 1709

The Ecclesiastical Officers Remuneration Order, No. 2, 1953

Made - - - -	10*th November*, 1953
Laid before Parliament	24*th November*, 1953
Coming into Operation	1*st December*, 1953

We, the Most Reverend and Right Honourable Father in God Geoffrey Francis by Divine Providence Lord Archbishop of Canterbury Primate of all England and Metropolitan and the Most Reverend and Right Honourable Father in God Cyril Forster by Divine Providence Lord Archbishop of York and Primate of England and Metropolitan, with the assistance of our respective Vicars-General in exercise of the powers in that behalf conferred