STATUTORY INSTRUMENTS

1987 No. 1296

ECCLESIASTICAL LAW, ENGLAND

FEES

The Legal Officers (Annual Fees) Order 1987

Made (Approved by the General Synod)	*11th July 1987*
Laid before Parliament	*23rd July 1987*
Coming into force	*1st January 1988*

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(a) in the exercise of the powers conferred by section 5 do hereby order as follows:

1. The Fees appearing in the Schedule to the Order are established. The Tables of the Schedule contain particulars of the Annual Fees which are to be received, after the commencement of this Order, by the legal officers named in Table I and Table II in respect of the carrying out by them of the duties of their offices.

2. The Fees established and set out in Part I and items 1 and 2 in Part II of Table I of the Schedule to the Legal Officers' Fees Order 1986(b) shall no longer be payable.

3. The diocesan registrar shall perform the duties and provide the professional services set forth in the Appendix in consideration of the annual fee set out in Table I to this Order for his diocese and shall not be entitled to receive any other remuneration for such duties or services save as provided by this Order and the Notes thereto.

4. (a) Subject to the provisions of this paragraph nothing in this Order shall preclude a diocesan board of finance from agreeing to pay an additional fee to a diocesan registrar by way of annual fee or retainer (hereinafter called a "supplementary annual fee") which is in addition to the annual fee payable under Table I.

(b) Such supplementary annual fee may be agreed in respect of services not falling within the scope of the services covered by the annual fee payable to the diocesan registrar and defined in the Appendix.

(c) An agreement made under sub-paragraph (a) above shall be expressed to be a payment by way of supplementary annual fee.

(d) Any agreement made under sub-paragraph (a) above shall be in writing. The period for which the agreement is to run shall be stated in the agreement. In the absence of any such statement the agreement shall remain binding until determined by not less than three months' notice on either side.

(e) The body responsible for paying a supplementary annual fee shall be the diocesan board of finance.

5. A fee specified in the Schedule to this Order may be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

(a) 1986 No. 2. (b) S.I. 1986/1144.

6. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order there shall be payable in addition to that fee the amount of the Value Added Tax.

7. This Order may be cited as the Legal Officers (Annual Fees) Order 1987 and shall come into force on the first day of January 1988.

Dated this 26th day of May 1987

J. R. Cumming-Bruce
A. Black
T. A. C. Coningsby
P. S. Dawes
D. Lovelock

Approved by the General Synod the 11th day of July 1987.

W. D. Pattinson
Secretary-General

APPENDIX

THE SCOPE OF THE ANNUAL FEE

1. Subject to the restrictions contained in paragraphs 2 and 3 hereof, the professional services provided by the diocesan registrar in respect of the annual fee paid to him under this Order shall include–

A. Giving of advice to the Diocesan Bishop, suffragan bishops, archdeacons, Chairmen of the Houses of the Diocesan Synod, Rural Deans and Lay Chairmen of Deanery Synods, Incumbents and all other clergymen, beneficed or licensed in the diocese, on any legal matter properly arising in connection with the discharge of their respective ecclesiastical or synodical offices;

B. Giving of occasional advice to chairmen and secretaries of diocesan boards, councils and committees in connection with the business of the respective boards, councils and committees;

C. Acting as Registrar to the Diocesan Synod and attendance at its meetings;

D. Attendance at the Bishop's Council and Standing Committee if required by that Committee;

E. Occasional attendance at meetings of diocesan boards, councils and committees for the purpose of giving advice on specific matters;

F. Maintaining of all such records of the diocese as are customarily kept by the diocesan registrar including the making of entries therein, and the making of searches and reports on matters recorded in the Registry or in documents held in the diocesan muniment room at the request of persons or bodies referred to in sub-paragraphs A, B and G hereof;

G. Giving of advice to churchwardens and secretaries of PCCs on any legal matter properly arising in connection with their duties or official business;

H. Giving of advice to any person concerned in or with the administration of an election under the Church Representation Rules on any question properly arising under those Rules;

I. Giving of advice to a bona fide enquirer concerning the law of marriage, baptism, confirmation and burial of the dead according to the rites and ceremonies of the Church of England;

J. Giving of advice to persons considering or proposing to make an application for a legal aid certificate for financial assistance from the ecclesiastical legal aid fund constituted under section 59 of the Ecclesiastical Jurisdiction Measure 1963;

K. Acting as Registrar to the Consistory Court of the diocese except in so far as a separate fee is prescribed by Order made under the Ecclesiastical Fees Measure 1986 or except in so far as this Order provides that a fee calculated in accordance with the Solicitors' Remuneration Order 1972 is payable;

L. Attendance at episcopal and archidiaconal visitations;

M. Drafting or preparing, approving, engrossing and registering of all notices, licences, consents, permissions, instruments and other documents required by law or customarily used in connection with the following matters–

Ordination

Certification of Ordination

Presentation to a Benefice

Commission for Institution or Collation

Admission to Freehold Office

Certification of Institution or Collation

Provision of Letters Dimissory or Letters of Request

Licensing of Non-residence, for legalising house of residence

Resignation

Under the Pastoral Measure 1983

admission to office of rector for term of years

licensing of vicar in a team ministry or for extending term of years of rector or vicar in a team ministry

issuing of notices relating to suspension or restriction under Part IV of the Measure

designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949 and other purposes

Issuing of permissions to officiate to and licensing of clerks in holy orders

Appointment of Rural Dean

Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Measure

1978 and Church of England (Miscellaneous Provisions) Measure 1983

Episcopal and archidiaconal visitations

Appointment of sequestrators and matters relating to sequestrations

Provision of agreements to form a Conventional District

Consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963

Licensing of unconsecrated churches or places of worship (including temporary licences)

Ordering of Licensed Chapel to come under Faculty Jurisdiction

Issuing of permissions to officiate to and licensing of deaconesses, lay workers and readers

Under the Parochial Registers and Records Measure 1978 authorisation to retain any register book or record in parochial custody;

N. Acting in relation to the following matters on the instructions of the Diocesan Bishop, suffragan bishops, archdeacons or on the instructions of a diocesan board or council whose business properly includes such matters–

Consecration of a Church and Burial Ground or a Church without a Burial Ground

Consecration of a Cemetery or Burial Ground

Preparation and Registration of documents required under the Consecration of Churchyards Act 1867 for consecration of additions to churchyards

Licensing of a Building for Marriages, including settling the area to which the licence should apply

Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930

Issuing of notices under the Benefices (Exercise of Rights of Patronage) Measure 1931 (including instances where body of advisers is consulted).

2. The provisions of paragraph 1 hereof shall be restricted as follows–

(a) Where the Registrar receives a request for advice on any matter properly falling within paragraph 1 sub-paragraphs A, B, F, G, H and I–

(i) he shall not be required to correspond with a third party involved in the enquiry

(ii) before giving advice he shall first consider whether the matter on which his advice is sought is one which can conveniently be dealt with by the diocesan secretary or some other person or body in the diocese rather than by himself

(iii) if a legal dispute arises between parties who are both church officers he may decline to advise either party, but he shall be at liberty to advise both parties with a view to helping them to resolve their dispute if in his judgement it is desirable to do so;

(b) The Registrar shall not be required to attend meetings of diocesan boards, councils and committees except upon an occasional basis to give legal advice on specific matters. (He may attend regularly such meetings to give general advice and assistance if requested to do so by the board, council or committee in question and in that case he shall be entitled to be separately remunerated for this work.)

3. The provisions of paragraph 2(a) hereof shall not apply to advice and assistance given as legal secretary or diocesan registrar to the Diocesan Bishop, or as diocesan registrar to suffragan bishops or archdeacons.

4. For the avoidance of doubt work in connection with the following matters shall not fall within the scope of the annual fee but a fee calculated in accordance with the Solicitors' Remuneration Order 1972 shall be payable–

(a) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub-paragraphs M and N hereof;

(b) Matters relating to individual diocesan, parochial or educational trusts or to individual pieces of diocesan glebe property;

(c) Litigation;

(d) Acting as secretary to the Vacancy in See Committee constituted under The Vacancy in See Committees Regulation 1977 on a vacancy in the see of the diocesan bishopric;

(e) Investigation of Title in case of change of patronage since the last presentation (the fee is payable by the patron);

(f) Deposition or deprivation consequent upon proceedings in secular courts, including the following–

(i) Service of notice on priest or deacon of intention to depose him from Holy Orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1963 (the fee is payable by the bishop);

(ii) Carrying out of a duty or exercising of a discretion following proceedings referred to in section 55 of the Ecclesiastical Jurisdiction Measure 1963 (the fee is payable by the bishop);

(g) Work undertaken on behalf of a person who is not an official in the diocese or on behalf of a body which is not a diocesan board or council in connection with the following matters–

Consecration or licensing of a public cemetery, a private burial ground or a private chapel

Licensing the chapel of an extra-parochial place for the marriage of persons living or residing within that place

Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (the fee to be paid in such proportions as may be agreed between the transferor and the transferee, and in the absence of such agreement the fee to be paid by the transferee);

(h) Acting as Chapter Clerk (whether or not the Diocesan Registrar holds the office of Chapter Clerk) and in particular doing the following work, namely work in connection with the following matters–

Installation to a Deanery

Installation to a Canonry or Prebend (whether Residentiary or Honorary) or to an Archdeaconry

Admission to a Minor Canonry.

(These fees are payable out of Capitular Revenues)

5. If any disbursements other than expenses specified in paragraph 5 of this Order are incurred in the course of providing any of the professional services in paragraph 1 above the diocesan registrar shall be entitled to charge for them separately.

SCHEDULE

TABLE I

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS SUBSTITUTED FOR TABLE I PART I OF THE LEGAL OFFICERS' FEES ORDER 1986

Diocese	*Payable by Diocesan Board of Finance*	*Liability of the Diocesan Bishop*	*Total*
	£	£	£
Bath and Wells	13023	7649	20672
Birmingham	6199	4861	11060
Blackburn	8118	7213	15331
Bradford	4770	6290	11060
Bristol	6200	4860	11060
Canterbury	8559	6772	15331
Carlisle	9066	6265	15331
Chelmsford	13457	7866	21323
Chester	9132	6199	15331
Chichester	10183	7476	17659
Coventry	6136	6087	12223
Derby	8428	6903	15331
Durham	8184	7147	15331
Ely	9265	7229	16494
Exeter	13457	7866	21323
Gloucester	9629	6865	16494
Guildford	5400	5660	11060
Hereford	10058	7601	17659
Leicester	9043	6288	15331
Lichfield	12650	8022	20672
Lincoln	16372	6643	23015
Liverpool	6485	5738	12223
London	12532	8141	20673
Manchester	8737	7757	16494
Newcastle	6438	4622	11060
Norwich	16292	6723	23015
Oxford	17346	5669	23015
Peterborough	9638	8021	17659
Portsmouth	4505	6555	11060
Ripon	5947	5113	11060
Rochester	6743	5480	12223
St. Albans	9521	6973	16494
St. Edmundsbury & Ipswich	12549	8123	20672
Salisbury	11271	6388	17659
Sheffield	5937	5123	11060
Southwark	8762	7732	16494
Southwell	8302	7029	15331
Truro	7037	5186	12223
Wakefield	6276	5947	12223
Winchester	9303	7191	16494
Worcester	6485	5738	12223
York	12786	7886	20672

TABLE II

FEES PAYABLE TO THE PROVINCIAL REGISTRARS SUBSTITUTED FOR TABLE I PART II OF THE LEGAL OFFICERS' FEES ORDER 1986

	Fee
1. Annual fee for Joint Registrars of the Province of Canterbury	£20,202
2. Annual fee for Registrar of the Province of York	£ 8,081

Notes

(a) Nothing in Table I shall prevent a diocesan board of finance and a diocesan registrar from agreeing that in addition to the annual fee prescribed there shall be paid to the diocesan registrar an additional sum in consideration of the exceptional cost of maintaining his particular diocesan registry and of performing the duties and providing the services referred to in paragraph 3 of this Order.

(b) "Exceptional cost" means either (i) where the expenses of the particular registry for such items as rent, rates and salaries are above the average in registries within the two provinces of Canterbury and York, or (ii) where the duties and services referred to in paragraph 3 of this Order and specified in the Appendix provided by the particular diocesan registrar are more extensive than in the average registry as so defined.

(c) Such annual payment shall be called an "exceptional cost fee".

(d) Every diocesan board of finance shall give consideration to any request by a diocesan registrar for an exceptional cost fee as provided for in sub-paragraphs (a) and (b) above.

(e) Any agreement made under sub-paragraph (c) above shall be in writing. The period for which the agreement is to run shall be stated in the agreement. In the absence of any such statement the agreement shall remain binding until determined by not less than three months' notice on either side.

(f) The body responsible for paying an "exceptional cost fee" shall be the diocesan board of finance.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases some of the fees fixed by the Legal Officers' Fees Order 1986.