STATUTORY INSTRUMENTS

1988 No. 1979

ECCLESIASTICAL LAW, ENGLAND

FEES

Legal Officers (Annual Fees) Order 1988

Made (Approved by the General Synod)	*8th November 1988*
Laid before Parliament	*15th November 1988*
Coming into force	*1st January 1989*

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 this 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 of the Schedule (hereinafter referred to as "Table I") in respect of the carrying out by them of the duties of their offices specified in the Appendix hereto (hereinafter referred to as "the Appendix") and by the legal officers names in Table II of the Schedule in respect of the carrying out by them of the duties of their offices.

2. The Fees established and set out in the second column of Table I of the Schedule are to be paid by the diocesan board of finance. The fees established and set out in the third column of Table I and Table II of the Schedule are the liability of the diocesan bishop or archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.

3. The Fees established and set out in Tables I and II of the Schedule to The Legal Officers (Annual Fees) 1987(b) shall no longer be payable.

4. 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.

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

(a) 1986 No.2. (b) S.I. 1987/1296.

(c) 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 not less than three months' notice on either side.

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

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

7. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order (including any fee specified in paragraph 4 of the Appendix) there shall be payable in addition to that fee the amount of the Value Added Tax.

8. This Order may be cited as the Legal Officers (Annual Fees) Order 1988 and shall come into operation on the first day of January 1989.

Dated this 27th day of May 1988

J. R. Cumming-Bruce
A. Black
T. A. C. Coningsby
D. Lovelock
B. M. M. O'Connor

Approved by the General Synod
the 8th day of November 1988

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 maintained under section 1 of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988;

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 (in relation to a guild church in the City of London)

O. Work in connection with the following matters–
Maintaining the register of patrons ("the register") under Part I of the Patronage (Benefices) Measure 1986 ("the 1986 Measure") as required by section 1(1) of the 1986 measure
Searches in and making of extracts from the registrar, enquiries as to entries in the register and supplying certified copies of entries in the register, where the search, extract or enquiry is made or the certified copy is requested by or on behalf of a person or body referred to at the commencement of sub-paragraph N
Receipt and issue of notices and notification of representations under section 3(3) and (4) of the 1986 Measure.

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) 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);

(f) 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 (in relation to a guild church in the City of London) (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);

(g) Work carried out in relation to the register of patrons under Part I of the Patronage (Benefices) Measure 1986 where a fee calculated in accordance with the Solicitors' Remuneration Order 1972 is payable under the Ecclesiastical Judges and Legal Officers (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986

(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 6 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 OF THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1987

Diocese	*Payable by Diocesan Board of Finance*	*Liability of the Diocesan Bishop*	*Total*
Bath and Wells	14,195	8,337	22,532
Birmingham	6,757	5,298	12,055
Blackburn	8,849	7,862	16,711
Bradford	5,199	6,856	12,055
Bristol	6,758	5,297	12,055
Canterbury	9,329	7,382	16,711
Carlisle	9,882	6,829	16,711
Chelmsford	14,220	8,312	22,532
Chester	9,954	6,757	16,711
Chichester	11,099	8,149	19,248
Coventry	6,052	6,003	12,055
Derby	9,187	7,524	16,711
Durham	8,921	7,790	16,711
Ely	10,099	7,879	17,978
Exeter	14,668	8,574	23,242
Gloucester	10,495	7,483	17,978
Guildford	5,886	6,169	12,055
Hereford	10,963	8,285	19,248
Leicester	9,857	6,854	16,711
Lichfield	13,788	8,744	22,532
Lincoln	16,533	6,709	23,242
Liverpool	7,069	6,254	13,323
London	11,668	7,580	19,248
Manchester	9,523	8,455	17,978
Newcastle	7,017	5,038	12,055
Norwich	17,758	7,328	25,086
Oxford	18,907	6,179	25,086
Peterborough	10,505	8,743	19,248
Portsmouth	4,910	7,145	12,055
Ripon	6,482	5,573	12,055
Rochester	7,350	5,973	13,323
St Albans	10,378	7,600	17,978
St Edmundsbury & Ipswich	11,685	7,563	19,248
Salisbury	14,381	8,151	22,532
Sheffield	6,471	5,584	12,055
Southwark	9,550	8,428	17,978
Southwell	9,049	7,662	16,711
Truro	7,670	5,653	13,323
Wakefield	6,190	5,865	12,055
Winchester	10,140	7,838	17,978
Worcester	6,396	5,659	12,055
York	13,937	8,595	22,532

TABLE II

FEES PAYABLE TO THE PROVINCIAL REGISTRARS SUBSTITUTED FOR TABLE II OF THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1987

	Fee
1. Annual fee for Joint Registrars of the Province of Canterbury	£22,020
2. Annual fee for Registrar of the Province of York	£ 8,808

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the fees fixed by The Legal Officers (Annual Fees) Order 1987 and adjusts some of the fees to take account of increases or decreases in the number of parishes within particular dioceses. It also amends the provisions in the 1987 Order as to the scope of diocesan registrars' annual fees to take account of new duties under the Patronage (Benefices) Measure 1986, and clarifies the provisions as regards supplementary payments made by agreement by diocesan boards of finance.