STATUTORY INSTRUMENTS

1999 No. 2108

ECCLESIASTICAL LAW, ENGLAND

FEES

The Legal Officers (Annual Fees) Order 1999

Made (approved by the General Synod)	*10th July 1999*
Laid before Parliament	*27th July 1999*
Coming into force	*1st January 2000*

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 named 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 in 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 Legal Officers (Annual Fees) Order 1998**(b)** is hereby revoked.

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.

(c) An 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.

(a) 1986 No. 2; amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1), Schedule 6, the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No. 2), section 14, and the Care of Places of Worship Measure 1999 (1999 No. 2), Schedule 2.

(b) S.I. 1998/1712.

(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 shall 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 1999 and shall come into operation on the first day of January 2000.

J Laws
+ George Cantuar:
M J Colman
G F Tattersall
D J V Wright

Dated this 8th day of June 1999

Approved by the General Synod the 10th day of July 1999

D M Williams
Clerk to the Synod

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, and giving of advice to chairmen and secretaries of diocesan boards, councils and committees on any legal matter properly arising in connection with the business of the respective boards, councils and committees;

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

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

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

E. 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 and F hereof;

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

G. 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;

H. 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;

I. 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) Measure 1994;

J. 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' (Non-Contentious Business) Remuneration Order 1994 is payable;

K. Attendance at episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese);

L. 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
Licensing of Non-Residence, for legalising house of residence
Resignation (other than resignation of an incumbent)

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
designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949 and other purposes
Licensing of clerks in holy orders and deaconesses
Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Measure 1978 and Church of England (Miscellaneous Provisions) Measure 1983
Episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese)
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;

M. 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 the consecration of additions to churchyards
Licensing of a Building for Marriages
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);

N. 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 register, 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 M or by the designated officer (within the meaning of section 7(5) of the 1986 Measure)
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, E, F, G and H–

(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 such meetings regularly 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' (Non-Contentious Business) Remuneration Order 1994 shall be payable–

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

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

(iii) Litigation;

(iv) Acting as secretary to the Vacancy in See Committee constituted under The Vacancy in See Committees Regulation 1993 on a vacancy in the see of the Diocesan Bishopric;

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

(a) 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 1964 (the fee is payable by the bishop)

(b) 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);

(vi) Advice or other work in connection with proceedings against a clerk in Holy Orders under the Ecclesiastical Jurisdiction Measure 1963 in respect of an ecclesiastical offence which have been instituted under that Measure or are under consideration or in connection with an allegation of such an offence which is under investigation with the knowledge and approval of the bishop (excluding advice and other work for which a fee is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986). (The fee is payable by the bishop.)

(vii) Advice or other work in connection with the revocation by reason of misconduct of a licence granted by the bishop to a Clerk in Holy Orders, deaconess or lay worker or reader to minister in the diocese, or in connection with a revocation of such a licence which is under consideration or with an allegation of misconduct by such a person which might lead to such a revocation and which is under investigation with the knowledge and approval of the bishop. (The fee is payable by the bishop.)

(viii) Advice to the diocesan bishop or other work carried out at his request in connection with proceedings or possible future proceedings under the Incumbents (Vacation of Benefices) Measures 1977 and 1993 in a case where notice has been given to the bishop under section 1A (1A) of the Incumbents (Vacation of Benefices) Measure 1977 or the giving of such notice is under consideration. (The fee is payable by the bishop.)

(ix) Pronouncing of censure under section 31 of the Ecclesiastical Jurisdiction Measure 1963 with the consent of the accused (the fee is payable by the bishop);

(x) 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 a 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);

(xi) Removal of the legal effects of consecration under section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

(xii) 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' (Non-Contentious Business) Remuneration Order 1994 is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986;

(xiii) 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);

(xiv) Attendance at and work in connection with any visitation by the Diocesan Bishop of the Cathedral Church of the Diocese and in connection with any action taken or proposed to be taken by the Diocesan Bishop under the Care of Cathedrals (Supplementary Provisions) Measure 1994.

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 SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1998)

Diocese	*Payable by Diocesan Board of Finance* £	*Liability of the Diocesan Bishop* £	*Total*
Bath and Wells	24,330	14,288	38,618
Birmingham	15,068	11,819	26,887
Blackburn	16,244	14,426	30,670
Bradford	10,567	13,940	24,507
Bristol	14,558	11,409	25,967
Canterbury	16,916	13,291	30,207
Carlisle	17,574	12,146	29,720
Chelmsford	26,697	15,603	42,300
Chester	19,359	13,133	32,492
Chichester	21,864	16,052	37,916
Coventry	13,579	13,472	27,051
Derby	16,579	13,578	30,157
Durham	16,449	14,366	30,815
Ely	17,465	13,633	31,098
Exeter	25,248	14,757	40,005
Gloucester	18,521	13,202	31,723
Guildford	13,057	13,686	26,743
Hereford	17,842	13,475	31,317
Leicester	17,030	11,843	28,873
Lichfield	24,050	15,250	39,300

Diocese	*Payable by Diocesan Board of Finance* £	*Liability of the Diocesan Bishop* £	*Total*
Lincoln	27,798	11,278	39,076
Liverpool	15,760	13,947	29,707
London	25,509	16,564	42,073
Manchester	18,383	16,325	34,708
Newcastle	15,435	11,081	26,516
Norwich	28,864	11,912	40,776
Oxford	35,834	11,710	47,544
Peterborough	17,875	14,871	32,746
Portsmouth	9,938	14,467	24,405
Ripon	13,825	11,888	25,713
Rochester	16,218	13,174	29,392
St. Albans	19,952	14,605	34,557
St. Edm & Ipswich	21,734	14,068	35,802
Salisbury	24,013	13,613	37,626
Sheffield	14,923	12,877	27,800
Southwark	19,381	17,106	36,487
Southwell	16,129	13,656	29,785
Truro	15,948	11,752	27,700
Wakefield	14,168	13,416	27,584
Winchester	18,433	14,244	32,677
Worcester	14,165	13,145	27,310
York	24,345	15,019	39,364

TABLE II

FEES PAYABLE TO THE PROVINCIAL REGISTRARS (SUBSTITUTED FOR TABLE II OF THE SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1998)

		Fee £
1.	Annual fee for Joint Registrars of the Province of Canterbury	58,136
2.	Annual fee for Registrar of the Province of York	24,245

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 1998.

The Order also fixes new annual fees for the provincial registrars.

The Order will come into force on 1st January 2000.

£2.00

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