STATUTORY INSTRUMENTS

2009 No. 2107

ECCLESIASTICAL LAW, ENGLAND

FEES

The Legal Officers (Annual Fees) Order 2009

Made (Approved by the General Synod)	*10th July 2009*
Laid before Parliament	*6th August 2009*
Coming into force	*1st January 2010*

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

Citation and commencement

1.—(1) This Order may be cited as the Legal Officers (Annual Fees) Order 2009.

(2) This Order shall come into operation on the first day of January 2010.

Establishment of fees

2. The fees appearing in Schedule 1 to this Order are established. The Tables of that Schedule contain particulars of the annual fees which are to be received, after the commencement of this Order, by—

(1) the legal officers named in Table I of that Schedule in respect of the carrying out by them of the duties of their offices specified in Schedule 2 to this Order; and

(2) by the legal officers named in Part A of Table II of Schedule 1 in respect of the carrying out by them of the duties of their offices except the duties and professional services specified in Part B of Table II as not falling within the scope of the annual fee.

Payment of fees

3. The fees established and set out in the second column of Table I of Schedule 1 to this Order are to be paid by the diocesan board of finance. The fees established and set out in the third column of the said Table I and in Table II of that Schedule are the liability of the diocesan bishop or archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.

(**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, the Care of Places of Worship Measure 1999 (1999 No. 2), Schedule 2 and the Church of England (Miscellaneous Provisions) Measure 2000 (2000 No. 1), section 16.

Revocation of 2008 Order

4. The Legal Officers (Annual Fees) Order 2008(**a**) is hereby revoked.

Duties of the diocesan registrar

5. The diocesan registrar shall perform the duties and provide the professional services specified in Schedule 2 to this Order in consideration of the annual fee set out in Table I of Schedule 1 to this Order for his or her diocese and shall not be entitled to receive any other remuneration for such duties or services save as provided by this Order.

Supplementary annual fee

6.—(1) 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 of Schedule 1 to this Order.

(2) An agreement made under sub-paragraph (1) above shall be expressed to be an agreement for a payment by way of supplementary annual fee.

(3) An agreement made under sub-paragraph (1) 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 that three months' notice on either side.

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

Travel, subsistence and accommodation

7. A fee specified in Schedule 1 to this Order shall be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

Value Added Tax

8. 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 Schedule 2 to this Order) there shall be payable in addition to that fee the amount of Value Added Tax.

A Rutherford
G F Tattersall
A R Hargreaves-Smith
A Britton
T E H Walker
T E Allen

David Williams
Clerk to the Synod

Church House, London
Approved by the General Synod on
10th July 2009

(**a**) S.I. 2008/1969.

SCHEDULE 1

FEES ESTABLISHED BY THIS ORDER

TABLE I

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS (SUBSTITUTED FOR TABLE I OF SCHEDULE 1 TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 2008)

Diocese	*Payable by Diocesan Board of Finance*	*Liability of the Diocesan Bishop*	*Total*
	£	£	£
Bath and Wells	35,638	20,928	56,566
Birmingham	22,197	17,410	39,607
Blackburn	23,638	20,993	44,631
Bradford	15,560	20,526	36,086
Bristol	21,713	17,015	38,728
Canterbury	24,643	19,362	44,005
Carlisle	26,079	18,023	44,102
Chelmsford	39,468	23,066	62,534
Chester	28,846	19,569	48,415
Chichester	32,046	23,527	55,573
Coventry	20,225	20,066	40,291
Derby	24,322	19,918	44,240
Durham	23,588	20,601	44,189
Ely	25,827	20,161	45,988
Exeter	37,073	21,668	58,741
Gloucester	27,179	19,374	46,553
Guildford	19,738	20,689	40,427
Hereford	26,521	20,029	46,550
Leicester	25,113	17,463	42,576
Lichfield	35,169	22,301	57,470
Lincoln	40,719	16,519	57,238
Liverpool	23,277	20,600	43,877
London	37,972	24,657	62,629
Manchester	25,932	23,030	48,962
Newcastle	23,017	16,525	39,542
Norwich	43,287	17,864	61,151
Oxford	52,316	17,096	69,412
Peterborough	26,652	22,173	48,825
Portsmouth	15,130	22,025	37,155
Ripon and Leeds	20,876	17,950	38,826
Rochester	24,612	19,993	44,605
St Albans	29,949	21,924	51,873
St Edmundsbury and Ipswich	32,409	20,977	53,386
Salisbury	35,705	20,241	55,946
Sheffield	21,822	18,830	40,652

Southwark	28,495	25,150	53,645
Southwell and Nottingham	24,085	20,393	44,478
Truro	23,824	17,556	41,380
Wakefield	20,965	19,852	40,817
Winchester	27,265	21,069	48,334
Worcester	20,758	19,263	40,021
York	35,638	20,928	56,566

TABLE II

FEES PAYABLE TO PROVINCIAL REGISTRARS

PART A

FEES PAYABLE TO THE PROVINCIAL REGISTRARS (SUBSTITUTED FOR TABLE II, PART A, OF SCHEDULE 1 TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 2008)

		Fee £
1.	Annual fee for Joint Registrars of the Province of Canterbury	125,050
2.	Annual fee for Registrar of the Province of York	57,320

PART B

DUTIES AND PROFESSIONAL SERVICES NOT FALLING WITHIN THE SCOPE OF THE ANNUAL FEE

Duties and professional services in connection with the following matters shall not fall within the scope of the annual fee payable to Provincial Registrars:

Advice or other work in connection with disciplinary proceedings against a clerk in Holy Orders which have been instituted under section 10 of the Clergy Discipline Measure 2003(**a**) or in respect of any disciplinary matters arising under or in relation to that Measure including under sections 30 and 31.

(In respect of such advice, a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994(**b**) shall be payable by the bishop (except in relation to 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).)

(**a**) 2003 No. 3.
(**b**) S.I. 1994/2616.

SCHEDULE 2

THE SCOPE OF THE ANNUAL FEE

Professional services to be provided by the diocesan registrar

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 or her under this Order shall include—

(1) 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;

(2) Acting as Registrar to the Diocesan Synod and attendance at its meetings;

(3) Attendance at the Bishop's Council and Standing Committee if required by that Committee;

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

(5) Maintaining 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 (1) and (6) hereof;

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

(7) Giving 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;

(8) Giving 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;

(9) Giving advice to persons considering or proposing to make an application for a legal aid certificate for financial assistance from the Legal Aid Fund maintained under section 1 of the Church of England (Legal Aid) Measure 1994(**a**);

(10) 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;

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

(12) Drafting and preparing, approving, engrossing and registering all notices, licences, consents, permissions, instruments and other documents required by law or customarily used in connection with the following matters—

(a) Ordination

(b) Certification of Ordination

(c) Presentation to a Benefice

(d) Commission for Institution or Collation

(**a**) 1994 No. 3; amended by the Clergy Discipline Measure 2003.

(e) Admission to Freehold Office

(f) Certification of Institution or Collation

(g) Licensing of Non-Residence, for legalising house of residence

(h) Resignation (other than resignation of an incumbent)

(i) Under the Pastoral Measure 1983(**a**)—

(i) Admission to office of rector for a term of years

(ii) Licensing of a vicar in a team ministry or extending a term of years of a rector or vicar in a team ministry

(iii) Designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949(**b**) and other purposes

(j) Licensing of Clerks in Holy Orders and Deaconesses

(k) Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Pastoral and Mission Measure 2007(**c**) and the Church of England (Miscellaneous Provisions) Measure 1983(**d**)

(l) Episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese)

(m) Matters relating to sequestrations

(n) Provision of agreements to form a Conventional District

(o) Consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963(**e**)

(p) Licensing of unconsecrated church or place of worship (including temporary licences)

(q) Ordering of a Licensed Chapel to come under Faculty Jurisdiction;

(13) Acting in relation to the following matters on the instructions of the Diocesan Bishop, Suffragan Bishops or Archdeacons or on the instructions of a diocesan board or council whose business properly includes such matters—

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

(b) Consecration of a Cemetery or Burial Ground

(c) Preparation and Registration of documents required under the Consecration of Churchyards Act 1867(**f**) for the consecration of additions to churchyards

(d) Licensing of a Building for Marriages

(e) Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930(**g**) (in relation to a guild church in the City of London);

(14) Work in connection with the following matters—

(a) Maintaining the register of patrons ("the register") under Part I of the Patronage (Benefices) Measure 1986(**h**) ("the 1986 Measure") as required by section 1(1) of the 1986 Measure

(b) 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 (13) or by the designated officer (within the meaning of section 7(5) of the 1986 Measure)

(**a**) 1983 No. 1.
(**b**) 1949 c.76.
(**c**) 2007 No. 1.
(**d**) 1983 No. 2.
(**e**) 1963 No. 1.
(**f**) 1867 c.133.
(**g**) 1930 No. 8.
(**h**) 1986 No. 3.

(c) Receipt and issue of notices and notification of representations under section 3(3) and (4) of the 1986 Measure.

Restrictions on the provisions of paragraph 1

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

(1) Where the Registrar receives a request for advice on any matter properly falling within paragraph 1 sub-paragraphs (1), (5), (6), (7) and (8)—

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

(b) Before giving advice the Registrar shall first consider whether the matter on which his or her 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 the Registrar

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

(2) 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. (The Registrar 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 or she shall be entitled to be separately remunerated for this work.)

Advice or assistance given to the Diocesan Bishop, Suffragan Bishops or Archdeacons

3. The provisions of paragraph 2(1) 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.

Work not falling within the scope of the annual fee

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—

(1) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub-paragraphs (12) and (13) hereof;

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

(3) Litigation;

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

(5) Deposition or deprivation consequent upon proceedings in secular courts, including the following—

(a) Service of notice on a priest or deacon of intention to depose him or her from Holy Orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1964(**a**) (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);

(**a**) S.I. 1964/1755.

(6) 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.)

(7) Advice or other work in connection with disciplinary proceedings against a clerk in Holy Orders which have been instituted under section 10 of the Clergy Discipline Measure 2003 or in respect of any disciplinary matters arising under or in relation to that Measure including under sections 30 and 31. (The fee is payable by the bishop.)

(8) Advice or other work in connection with the revocation by reason of misconduct of a licence granted by the bishop to a 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.)

(9) 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(**a**) 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.)

(10) 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);

(11) 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—

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

(b) Licensing the chapel of an extra-parochial place for a marriage of persons living or residing in that place

(c) 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);

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

(13) 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;

(14) 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—

(a) Installation to a Deanery

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

(c) Admission to a Minor Canonry

(These fees are payable out of Cathedral Revenues);

(15) 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

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(**a**) 1977 No. 1 and 1993 No. 1.

by the Diocesan Bishop under the Care of Cathedrals (Supplementary Provisions) Measure 1994(**a**).

Disbursements

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.

(**a**) 1994 No. 2.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies an increase of 3.325% (a weighted inflationary formula of 25% RPI and 75% AEI (4.0% and 3.1% respectively in 2008)) to the total of the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 2008. The increased total is then apportioned as to each registrar's individual fee according to a formula based on the number of parishes and stipendiary clergy in each diocese.

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

The Order provides that duties and professional services undertaken by registrars and provincial registrars in connection with the Clergy Discipline Measure 2003 shall not fall within the scope of this annual fee but will be calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994.

The Order will have effect from 1st January 2010.

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