STATUTORY INSTRUMENTS

2010 No. 1912

ECCLESIASTICAL LAW, ENGLAND

FEES

The Legal Officers (Annual Fees) Order 2010

Made (Approved by the General Synod)	*9th July 2010*
Laid before Parliament	*30th July 2010*
Coming into force - -	*1st January 2011*

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 2010.

(2) This Order shall come into operation on the first day of January 2011.

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 Cathedrals 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 2009 Order

4. The Legal Officers (Annual Fees) Order 2009(**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

Church House, London
9th July 2010

David Williams
Clerk to the Synod

(**a**) S.I. 2009/2107

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 2009)

Diocese	*Payable by Diocesan Board of Finance*	*Liability of the Diocesan Bishop*	*Total*
	£	£	£
Bath and Wells	36,196	21,255	57,451
Birmingham	22,412	17,579	39,991
Blackburn	23,639	20,993	44,632
Bradford	15,881	20,950	36,831
Bristol	21,992	17,235	39,227
Canterbury	25,049	19,682	44,731
Carlisle	26,694	18,448	45,142
Chelmsford	40,385	23,602	63,987
Chester	29,533	20,036	49,569
Chichester	32,551	23,898	56,449
Coventry	20,567	20,405	40,972
Derby	24,810	20,319	45,129
Durham	23,954	20,921	44,875
Ely	26,330	20,554	46,884
Exeter	37,646	22,002	59,648
Gloucester	27,650	19,710	47,360
Guildford	20,135	21,104	41,239
Hereford	27,097	20,464	47,561
Leicester	25,703	17,874	43,577
Lichfield	35,782	22,689	58,471
Lincoln	41,339	16,770	58,109
Liverpool	23,791	21,053	44,844
London	38,426	24,952	63,378
Manchester	26,409	23,453	49,862
Newcastle	23,547	16,904	40,451
Norwich	44,008	18,162	62,170
Oxford	53,507	17,485	70,992
Peterborough	26,969	22,437	49,406
Portsmouth	15,537	22,617	38,154
Ripon and Leeds	21,416	18,415	39,831
Rochester	24,990	20,301	45,291
St Albans	30,434	22,279	52,713
St Edmundsbury and Ipswich	33,031	21,379	54,410
Salisbury	36,465	20,672	57,137
Sheffield	22,117	19,085	41,202
Southwark	29,079	25,666	54,745

Southwell and Nottingham	24,397	20,656	45,053
Truro	24,301	17,908	42,209
Wakefield	21,421	20,284	41,705
Winchester	26,931	20,812	47,743
Worcester	21,100	19,579	40,679
York	35,581	21,951	57,532

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 2009)

		Fee £
1.	Annual fee for Joint Registrars of the Province of Canterbury	128,970
2.	Annual fee for Registrar of the Province of York	64,165

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 Measure 1978(**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)

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

(**a**) 1983 No. 1.
(**b**) 1949 c.76.
(**c**) 1978 No. 1.
(**d**) 1983 No. 2.
(**e**) 1963 No. 1.
(**f**) 1867 c.133.
(**g**) 1930 No. 8.
(**h**) 1986 No. 3.

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);

(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

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

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

(**a**) 1977 No. 1 and 1993 No. 1.
(**b**) 1994 No. 2.

Disbursements

5. If any disbursements other than expenses specified in paragraph 7 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies an increase of 1.725% (a weighted inflationary formula of 25% RPI and 75% AEI (2.4% and 1.5% respectively in 2009)) to the total of the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 2009. 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 2011.

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