STATUTORY INSTRUMENTS

2017 No. 797

ECCLESIASTICAL LAW, ENGLAND

The Legal Officers (Annual Fees) Order 2017

Made - - - -	*3rd May 2017*
Laid before Parliament	*27th July 2017*
Coming into force - -	*1st January 2018*

In accordance with section 5(3) of the Ecclesiastical Fees Measure 1986(**a**) ("the Measure"), this Order has been laid before, and approved by, the General Synod.

The Fees Advisory Commission, in exercise of the powers conferred by section 5(1) and (2) of the Measure, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Legal Officers (Annual Fees) Order 2017.

(2) This Order comes into operation on 1st January 2018.

(3) In this Order—

(a) "diocesan board of finance" means in relation to a diocese, the board of that name constituted under the Diocesan Boards of Finance Measure 1925(**b**); and

(b) "the Measure" means the Ecclesiastical Fees Measure 1986.

Annual fees

2. Schedule 1 sets out the fees payable in respect of the year 2018—

(1) to diocesan registrars in respect of the duties of their office specified in Schedule 2; and

(2) to provincial registrars in respect of the duties of their office, except the duties and professional services specified in Part B of Table 2 in Schedule 1.

Payment of fees

3.—(1) The fees set out in the second column of Table 1 of Schedule 1 are to be paid by the diocesan board of finance.

(2) The fees set out in the third column of Table 1 and in Table 2 of Schedule 1 are to be paid by the diocesan bishop or archbishop(**c**).

(**a**) 1986 No 2; relevant amendments were made by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No 1), the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No 2), SI 1998/1715, the Care of Places of Worship Measure 1999 (1999 No 2) and the Ecclesiastical Fees (Amendment) Measure 2011 (2011 No 2).

(**b**) 15 & 16 Geo. 5 No 3; relevant amendments were made by the Synodical Government Measure 1969 (1969 No 2).

(**c**) Section 8 of the Measure provides that any sum paid by a bishop or archbishop by virtue of any order made under the Measure shall be reimbursed by the Church Commissioners.

Revocation of 2016 Order

4. The Legal Officers (Annual Fees) Order 2016(**a**) is revoked.

Duties of the diocesan registrar

5. A diocesan registrar shall not be entitled to receive any additional remuneration for the duties specified in Schedule 2 except as provided in article 6.

Supplementary annual fee

6.—(1) Subject to paragraph (2), nothing in this Order shall preclude a diocesan board of finance from agreeing to pay any sum to a diocesan registrar by way of annual fee or retainer which is additional to the fee payable under Table 1 of Schedule 1.

(2) Any such agreement shall—

(a) be in writing;

(b) be expressed to be an agreement made in accordance with this article; and

(c) state the period for which it is to run, or, if no such period is stated, remain binding until determined by not less than three months' notice on either side.

Travel, subsistence and accommodation

7. A fee specified in Schedule 1 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) the amount of Value Added Tax chargeable is payable in addition to that fee.

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The Fees Advisory Commission

Church House, London
3rd May 2017

This Order was approved by the General Synod on 7th July 2017

Jacqui Philips
Clerk to the Synod

(**a**) SI 2016/1272.

SCHEDULE 1

Article 2

Fees payable under this Order

TABLE 1

Fees payable to diocesan registrars in respect of 2018

Diocese	Payable by diocesan board of finance £	Liability of the diocesan bishop £	Total £
Bath and Wells	52,991	31,118	84,109
Birmingham	32,742	25,681	58,423
Blackburn	34,522	30,658	65,180
Bristol	31,997	25,075	57,071
Canterbury	36,332	28,547	64,879
Carlisle	38,970	26,933	65,903
Chelmsford	59,581	34,821	94,402
Chester	43,000	29,171	72,171
Chichester	47,805	35,097	82,902
Coventry	29,987	29,751	59,738
Derby	36,103	29,567	65,671
Durham	34,200	29,870	64,070
Ely	37,233	29,065	66,298
Exeter	54,940	32,110	87,050
Gloucester	40,082	28,572	68,654
Guildford	29,464	30,882	60,346
Hereford	39,069	29,506	68,575
Leeds	52,804	53,625	106,428
Leicester	37,776	26,269	64,046
Lichfield	53,988	34,234	88,221
Lincoln	61,184	24,822	86,006
Liverpool	33,867	29,970	63,837
London	61,057	39,648	100,704
Manchester	36,709	32,600	69,308
Newcastle	34,797	24,982	59,779
Norwich	63,684	26,282	89,966
Oxford	83,321	27,228	110,549
Peterborough	38,023	31,634	69,657
Portsmouth	22,427	32,648	55,075
Rochester	36,239	29,438	65,677
St Albans	44,224	32,373	76,598
St Edmundsbury and Ipswich	45,940	29,736	75,676
Salisbury	53,613	30,392	84,006
Sheffield	31,744	27,391	59,135
Southwark	44,153	38,971	83,124
Southwell and Nottingham	34,642	29,331	63,973
Truro	35,466	26,134	61,600
Winchester	39,849	30,794	70,644
Worcester	31,449	29,183	60,632
York	53,223	32,835	86,057

TABLE 2

Fees payable to provincial registrars in respect of 2018

PART A

Fees payable

		Fee £
1.	Fee in respect of 2018 for joint registrars of the province of Canterbury	169,330
2.	Fee in respect of 2018 for joint registrars of the province of York	71,295

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 fee payable under Part A 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.

(**a**) 2003 No 3.

SCHEDULE 2

Article 2

The scope of the annual fee

Professional services to be provided by the diocesan registrar

9. Subject to the restrictions contained in paragraphs 2 and 3, the professional services provided by the diocesan registrar in respect of the fee under Schedule 1 to 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);

(6) Giving advice to churchwardens and secretaries of parochial church councils 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 Measure or except in so far as this Order provides that a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009 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

(e) admission to freehold office

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

(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 Mission and Pastoral Measure 2011(**a**) ("the 2011 Measure")—

(i) admission to office of rector

(ii) licensing of a vicar in a team ministry

(iii) designation of a parish centre of worship under Part 5 of the 2011 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 archidiaconal powers under the Church of England (Miscellaneous Provisions) Measure 1983(**c**)

(l) delegation by bishop of episcopal powers under the Dioceses, Pastoral and Mission Measure 2007(**d**)

(m) episcopal visitations (other than visitations by the diocesan bishop of the cathedral church of the diocese)

(n) matters relating to sequestrations

(o) provision of agreements to form a conventional district

(p) consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963(**e**)

(q) licensing of unconsecrated church or place of worship (including temporary licences)

(r) 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 1 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**) 2011 No 2.
(**b**) 1949 c.76.
(**c**) 1983 No 2.
(**d**) 2007 No 1.
(**e**) 1963 No 1.
(**f**) 1867 c.133.
(**g**) 1930 No 8.
(**h**) 1986 No 3.

Restrictions on the provisions of paragraph 1

10. The provisions of paragraph 1 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

11. The provisions of paragraph 2(1) 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

12. For the avoidance of doubt work in connection with the following matters shall not fall within the scope of the fee under Schedule 1 to this Order but a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009 shall be payable—

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

(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 (excluding advice and other work for which a fee is payable under the Ecclesiastical Judges, Legal

(**a**) SI 1964/1755.

Officers and Others (Fees) Order for the time being in force made under section 6 of the Measure). (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 1 of the 1986 Measure where a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009 is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Measure;

(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 Measure 2011(**b**);

(16) Advice or other work in connection with an inquiry into the capability of a clerk in holy orders instituted under Regulation 31 or a grievance brought by a clerk in holy orders under Regulation 32 of the Ecclesiastical Offices (Terms of Service) Regulations 2009(**c**);

(**a**) 1977 No 1 and 1993 No 1.
(**b**) 2011 No 1.
(**c**) SI 2009/2108

(17) Advice or other work in connection with the exercise of its powers by a regulatory body.

Disbursements

13. If any disbursements other than expenses specified in article 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 prescribes the fees payable to diocesan registrars in respect of the year 2018 for the professional services specified in Schedule 2 to the Order.

The Order also fixes fees in respect of the year 2018 for the provincial registrars.

The Order applies from 1st January 2018.

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