STATUTORY INSTRUMENTS

2020 No. 1603

ECCLESIASTICAL LAW, ENGLAND

The Legal Officers (Annual Fees) Order 2020

Made - - - -	*27th October 2020*
Laid before Parliament	*21st December 2020*
Coming into force - -	*1st January 2021*

In accordance with section 86(11) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018(**a**) this Order has been laid before, and approved by, the General Synod.

The Fees Advisory Commission, in exercise of the powers conferred by section 86(3) of that Measure, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Legal Officers (Annual Fees) Order 2020.

(2) It comes into operation on 1st January 2021.

(3) In this Order—

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

(b) "the Measure" means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

Annual fees

2. Schedule 1 sets out the annual fees payable—

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

(b) 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**) 2018 No. 3.
(**b**) 15 & 16 Geo. 5 No. 3; relevant amendments were made by the Synodical Government Measure 1969 (1969 No. 2).
(**c**) Section 86(6) of the 2018 Measure provides that any sum paid by a bishop or archbishop by virtue of any order made under the 2018 Measure shall be reimbursed by the Church Commissioners.

Revocation of 2019 Order

4. The Legal Officers (Annual Fees) Order 2019(**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 annual 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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Church House, London
27th October 2020

The Fees Advisory Commission

This Order was approved by the General Synod on 23rd November 2020.

A. S. McGregor
Registrar of the General Synod

(**a**) S.I. 2019/1187.

SCHEDULE 1

Article 2

Fees payable under this Order

TABLE 1

Annual fees payable to diocesan registrars in respect of 2021

Diocese	*Payable by diocesan board of finance*	*Liability of the diocesan bishop*	*Total*
	£	£	£
Bath and Wells	67,980	39,920	107,900
Birmingham	41,464	32,523	73,986
Blackburn	43,985	39,062	83,047
Bristol	41,200	32,287	73,487
Canterbury	46,128	36,244	82,372
Carlisle	48,716	33,669	82,385
Chelmsford	74,230	43,382	117,612
Chester	54,632	37,062	91,694
Chichester	61,603	45,227	106,830
Coventry	38,734	38,429	77,163
Derby	45,932	37,617	83,549
Durham	42,691	37,286	79,977
Ely	47,285	36,911	84,196
Exeter	70,610	41,268	111,878
Gloucester	51,139	36,453	87,592
Guildford	37,756	39,574	77,330
Hereford	49,909	37,693	87,603
Leicester	48,401	33,658	82,058
Lichfield	67,805	42,995	110,801
Lincoln	79,127	32,101	111,227
Liverpool	42,391	37,514	79,904
London	80,076	51,998	132,075
Manchester	46,483	41,280	87,763
Newcastle	44,281	31,790	76,071
Norwich	81,399	33,594	114,993
Oxford	107,836	35,239	143,076
Peterborough	48,582	40,419	89,002
Portsmouth	28,582	41,608	70,190
Rochester	46,033	37,395	83,428
St Albans	56,655	41,473	98,128
St Edmundsbury and Ipswich	58,290	37,729	96,019
Salisbury	69,539	39,421	108,960
Sheffield	40,420	34,878	75,299
Southwark	56,813	50,145	106,959
Southwell and Nottingham	43,733	37,028	80,761
Truro	45,863	33,796	79,660
Leeds	60,134	61,069	121,202
Winchester	49,417	38,188	87,606
Worcester	40,801	37,861	78,663
York	68,893	42,502	111,394

TABLE 2

Annual fees payable to provincial registrars in respect of 2021

PART A

Fees payable

		Fee £
1.	Annual fee for joint registrars of the province of Canterbury	164,568
2.	Annual fee for joint registrars of the province of York	79,479

PART B

Duties and professional services not falling within the scope of the annual fee

1.—(1) Duties and professional services in connection with the matters mentioned in sub-paragraph (2) shall not fall within the scope of the annual fee payable to provincial registrars.

(2) The matters referred to in sub-paragraph (1) are 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

1. Subject to the restrictions contained in paragraphs 2 and 3, the professional services provided by the diocesan registrar in respect of the annual fee paid to him or her under this Order shall include—

(a) giving advice to the diocesan bishop, suffragan bishops, archdeacons, chairs of the houses of the diocesan synod, rural deans, lay chairs and secretaries of deanery synods, incumbents and all other clergy, 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 chairs 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 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 paragraphs (a) and (f);

(f) giving advice to churchwardens and secretaries of parochial church councils on any legal matter properly arising in connection with their duties or official business;

(g) 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;

(h) 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;

(i) 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**);

(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 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(**b**) is payable;

(k) attendance at episcopal visitations (other than visitations by the diocesan bishop of the cathedral church of the diocese);

(l) 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—

(i) ordination;

(ii) certification of ordination;

(iii) presentation to a benefice;

(**a**) 1994 No. 3; amended by the Clergy Discipline Measure 2003.
(**b**) S.I. 2009/1931.

(iv) commission for institution or collation;

(v) admission to freehold office;

(vi) certification of institution or collation;

(vii) licensing of non-residence, for legalising house of residence;

(viii) resignation (other than resignation of an incumbent);

(ix) admission to office of rector under the Mission and Pastoral Measure 2011(**a**);

(x) licensing under that Measure of a vicar in a team ministry;

(xi) designation under that Measure of a parish centre of worship under Part 5 of that Measure for the purposes of the Marriage Act 1949(**b**) and other purposes;

(xii) licensing of clerks in holy orders and deaconesses;

(xiii) delegation by bishop of archidiaconal powers under the Church of England (Miscellaneous Provisions) Measure 1983(**c**);

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

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

(xvi) matters relating to sequestrations;

(xvii) provision of agreements to form a conventional district;

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

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

(xx) ordering of a licensed chapel to come under faculty jurisdiction;

(m) 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—

(i) consecration of a church and burial ground or a church without a burial ground;

(ii) consecration of a cemetery or burial ground;

(iii) preparation and registration of documents required under the Consecration of Churchyards Act 1867(**f**) for the consecration of additions to churchyards;

(iv) licensing of a building for marriages;

(v) 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);

(n) work in connection with the following matters—

(i) 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;

(ii) 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 paragraph (m) or by the designated officer (within the meaning of section 7(5) 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.

(iii) 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.—(1) Where the registrar receives a request for advice on any matter properly falling within paragraph (1)(e) to (h), the registrar—

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

(b) before giving advice, shall first consider whether the matter on which 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, may decline to advise either party but shall be at liberty to advise both parties with a view to helping them to resolve their dispute if, in the registrar's 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.

(3) But 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) 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.—(1) 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 2009 shall be payable—

(a) conveyancing and drafting of documents other than those referred to in paragraph 1(l) and (m);

(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 1993(**a**) 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 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(**b**);

(ii) carrying out of a duty or exercising of a discretion following proceedings referred to in section 55 of the Ecclesiastical Jurisdiction Measure 1963;

(f) 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

(**a**) A regulation passed by the General Synod, amended by the Vacancy in See Committees (Amendment) Regulations 2003, 2007, 2008 and 2013.
(**b**) S.I. 1964/1755.

the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 86 of the Measure);

(g) 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;

(h) 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;

(i) 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(**b**) 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;

(j) pronouncing of censure under section 31 of the Ecclesiastical Jurisdiction Measure 1963 with the consent of the accused;

(k) 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—

(i) consecration or licensing of a public cemetery, a private burial ground or a private chapel;

(ii) licensing the chapel of an extra-parochial place for a marriage of persons living or residing in that place;

(iii) 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);

(l) removal of the legal effects of consecration under section 92 of the Measure;

(m) 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 86 of the Measure;

(n) 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—

(i) installation to a deanery;

(ii) installation to a canonry or prebend (whether residentiary or honorary) or to an archdeaconry;

(iii) admission to a minor canonry;

(o) 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(**c**);

(p) 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(**d**);

(**a**) 2003 No. 3.
(**b**) 1977 No. 1 and 1993 No. 1.
(**c**) 2011 No. 1.
(**d**) S.I. 2009/2108

(q) advice or other work in connection with the exercise of its powers by a regulatory body;

(r) advice or other work in connection with an allegation falling within the scope of guidance given by the House of Bishops on the safeguarding of children and vulnerable adults, or in connection with a risk assessment conducted under such guidance.

(2) In the case of the matters referred to in sub-paragraph (1)(e) to (j), the fee is payable by the bishop.

(3) In the case of the matters referred to in sub-paragraph (1)(k)(iii), the fee is 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 is to be paid by the transferee.

(4) In the case of matters referred to in sub-paragraph (1)(n), the fees are payable out of cathedral revenues.

Disbursements

5. 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 annual fees payable to diocesan registrars in 2021 for the professional services specified in Schedule 2 to the Order.

The Order also fixes annual fees for 2021 for the provincial registrars.

The Order will have effect from 1st January 2021.

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