STATUTORY INSTRUMENTS

1980 No. 952

ECCLESIASTICAL LAW

The Legal Officers' Fees Order 1980

Made (Approved by the General Synod)	*8th July* 1980
Laid before Parliament - - -	*15th July* 1980
Coming into Operation - - -	*1st October* 1980

We, the Fees Committee constituted in accordance with the provisions of Section 1 of the Ecclesiastical Fees Measure 1962(**a**) in the exercise of the powers conferred by that section, do hereby order as follows:—

1. The Tables of Fees set forth in the Schedule to the Order are hereby established and contain particulars of the fees which are to be demanded, taken and received by the respective legal officers named in the Schedule for the performance by them after the commencement of this Order of the duties of their offices in relation to the respective matters specified in the Schedule.

2. The following fees shall no longer be payable:—

(i) item 1 in the Schedule to the Legal Officers' Fees Order 1974(**b**);

(ii) the fees in Tables I, II and V of the Legal Officers' Fees Order 1975(**c**);

(iii) the fees in the Legal Officers' Fees Order 1977(**d**) (reserving the provisions relating to Table II).

3. A fee specified in the Schedule to this Order may be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

4. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order there shall be payable in addition to that fee the amount of the Value Added Tax.

5.—(1) This Order may be cited as the Legal Officers' Fees Order 1980 and shall come into operation on the 1st day of October 1980.

(2) The Interpretation Act 1978(**e**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this 27th day of May 1980.

Conolly H. Gage
J. R. Cumming Bruce
H. Montgomery Campbell

Approved by the General Synod.

W. D. Pattinson,
Secretary-General.

8th July 1980.

(**a**) 1962 No. 1.
(**b**) S.I. 1974/1837.
(**c**) S.I. 1975/1087.
(**d**) S.I. 1977/1149.
(**e**) 1978 c. 30.

SCHEDULE

TABLE I

MISCELLANEOUS FEES

Item	Fee £
1. Annual fee for Registrar of the Province of Canterbury ...	8,400
2. Annual fee for Registrar of the Province of York	3,360
3. Consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963—	
payable to each Diocesan Registrar	2
payable to Provincial Registrar	15
4. Installation to Deanery payable to Chapter Clerk out of Capitular Revenues	35
5. Installation to a Canonry or Prebend whether Residentiary or Honorary or to an Archdeaconry, payable to the Chapter Clerk out of Capitular Revenues	18
6. Admission to Minor Canonry payable to Chapter Clerk out of Capitular Revenues	11
7. Consecration of a Church and Burial Ground, or a Church without a Burial Ground—	
payable to Vicar General or Chancellor	15
payable to Diocesan Registrar	60
8. Consecration of a Cemetery or Burial Ground—	
payable to Vicar General or Chancellor	11
payable to Diocesan Registrar	45
9. Preparation and Registration of documents required under the Consecration of Churchyards Act 1867 for consecration of additions to churchyards, payable to Diocesan Registrar ...	25
10. Licence of Temporary Church, Mission Building or Room where Church is closed, payable to Diocesan Registrar ...	11
11. Licence of Burial Ground until Consecration payable to Diocesan Registrar...	7
12. Licence of Building for Marriages, including settling area to which licence should apply, payable to Diocesan Registrar ...	35
13. Order for licensed Chapel to come under Faculty Jurisdiction, payable to Diocesan Registrar	11
14. Notices under S.2 of the Benefices (Transfer of Rights of Patronage) Measure 1930, payable to Diocesan Registrar in such proportions as may be agreed between the transferor and the transferee or in the absence of such agreement by the transferee	15
15. Notices under the Benefices (Exercise of Rights of Presentation) Measure 1931 if Body of Advisers is consulted, payable to Diocesan Registrar by person requiring consultation	15
16. Permission under Overseas and other Clergy (Ministry and Ordination) Measure 1967, payable to Provincial Registrar ...	11
17. Fee for duties required to be performed as presiding officer at general elections to the Lower Houses of the Convocations or to the House of Laity of the General Synod or at elections to fill casual vacancies if the full election procedure is used in accordance with Rule 35(1) of the Clergy Representation Rules, 1975 or Rule 39(5) of the Church Representation Rules, payable to the Diocesan Registrar	£70 and a further fee of £15 for every hour spent on counting votes
18. Fee for duties required to be performed as presiding officer at elections to fill casual vacancies to the Lower Houses of the Convocations or to the House of Laity of the General Synod if the shortened procedure is used in accordance with Rule 34(4) of the Clergy Representation Rules 1975 or Rule 39(7) of the Church Representation Rules, payable to the Diocesan Registrar	£15 for every hour spent on counting votes

TABLE I (*Contd.*)

Item	Fee £
19. Investigating Title in case of change of patronage since the last presentation, payable to Diocesan Registry by Patron ...	Fee based on the Solicitors Remuneration Order 1972
20. Fees in connection with deposition or deprivation consequent upon proceeding in secular courts	Fee based on the Solicitors Remuneration Order 1972

Provisions relating to Table I—

1. Items 1, 2, 3, 13, 16 and 20 are the liability of the Archbishop or Bishop, and section 5 of the Ecclesiastical Fees Measure 1962 applies to them.
2. Items 7, 8, 9, 10, 11 and 12 are payable by the person petitioning for the consecration or licence.
3. Items 17 and 18 are payable by the Diocesan Board of Finance.

TABLE II

FEES FOR FACULTIES

	Dean of the Arches, Vicar General or Chancellor	Registrar or other Officers by usage performing the duty
	£	£
1. Archdeacon's Certificate. Fee payable on application (rule 3(1))	—	8
2. Major Faculty (being matters enumerated by the Chancellor). Fees payable on lodging Petition (rule 4(1)) (see note (a))	10	25
3. Minor Faculty (all other cases). Fees payable on lodging Petition (rule 4(1)) (see note (a))	6	13
4. On the Judge giving directions under rule 8 that an application for an Archdeacon's Certificate is to be treated as a Petition for a Major Faculty, the applicant, if he wishes to proceed, shall pay a further fee of ...	10	17
5. On the Judge giving directions under rule 8 that an application for an Archdeacon's Certificate is to be treated as a Petition for a Minor Faculty, the applicant, if he wishes to proceed, shall pay a further fee of ...	6	5
6. Additional fees in cases before the Chancellor's Court or the Appellate Court where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or Chambers—		
(i) if a case lasts half a day or less	45	21
(ii) if a case lasts a whole day or more than half (fees on same scale for subsequent days)	75	43
7. Correspondence (if any) not to exceed without the sanction of the Chancellor	—	10

Notes:

(a) In the case of opposed faculties fees under item 2 or item 3, as the case may be, are to be credited to the final bill for fees.

(b) Any other fees of the Registry in opposed cases are to be paid on the same scale as are allowed for Court fees, from time to time, in the Supreme Court of Judicature.

TABLE III

FEES RELATING TO THE ADMISSION AND RESIGNATION OF BISHOPS TO BE SUBSTITUTED FOR TABLE II OF THE LEGAL OFFICERS FEES ORDER 1977

Item	Vicar General	Registrar
	£	£
1. Confirmation, consecration and enthronement of diocesan bishop in the Province of Canterbury	45	500
2. Confirmation, consecration and enthronement of diocesan bishop in the Province of York	45	450
3. Confirmation and enthronement only of diocesan bishop in the Province of Canterbury	45	450
4. Confirmation and enthronement only of diocesan bishop in the Province of York	45	400
5. Election documents for use by Chapter if prepared by Registrar	—	35
6. Consecration of suffragan bishop	—	400
7. Resignation of a diocesan or suffragan bishop	—	120
8. Investiture of suffragan bishop on transfer from one suffragan see to another	—	85

TABLE IV

ANNUAL FEES PAYABLE TO LEGAL SECRETARIES TO BISHOPS AND TO DIOCESAN REGISTRARS SUBSTITUTED FOR TABLE III OF THE LEGAL OFFICERS FEES ORDER 1977

Diocese	Payable by Diocesan Board of Finance	Liability of the Diocesan Bishop	TOTAL
	£	£	£
1. Bath and Wells	5,004	2,940	7,944
2. Birmingham	1,752	1,373	3,125
3. Blackburn	2,505	2,226	4,731
4. Bradford	1,348	1,777	3,125
5. Bristol	1,752	1,373	3,125

TABLE IV (*Cont.*)

Diocese	Payable by Diocesan Board of Finance	Liability of the Diocesan Bishop	TOTAL
	£	£	£
6. Canterbury	3,090	2,444	5,534
7. Carlisle	2,797	1,934	4,731
8. Chelmsford	5,014	2,930	7,944
9. Chester	2,818	1,913	4,731
10. Chichester	4,014	2,947	6,961
11. Coventry	1,971	1,956	3,927
12. Derby	2,601	2,130	4,731
13. Durham	2,526	2,205	4,731
14. Ely	3,109	2,425	5,534
15. Exeter	5,014	2,930	7,944
16. Gloucester	3,231	2,303	5,534
17. Guildford	1,526	1,599	3,125
18. Hereford	3,609	2,727	6,336
19. Leicester	2,790	1,941	4,731
20. Lichfield	4,588	2,909	7,497
21. Lincoln...	6,031	2,449	8,480
22. Liverpool	2,083	1,844	3,927
23. London	4,816	3,128	7,944
24. Manchester	3,356	2,980	6,336
25. Newcastle	1,819	1,306	3,125
26. Norwich	6,003	2,477	8,480
27. Oxford	6,391	2,089	8,480
28. Peterborough	3,459	2,877	6,336
29. Portsmouth	1,273	1,852	3,125
30. Ripon	2,111	1,816	3,927
31. Rochester	2,167	1,760	3,927
32. St. Albans	3,195	2,339	5,534
33. St. Edmundsbury and Ipswich ...	4,551	2,946	7,497
34. Salisbury	5,070	2,874	7,944
35. Sheffield	1,677	1,448	3,125
36. Southwark	2,939	2,595	5,534
37. Southwell	2,562	2,169	4,731
38. Truro	2,261	1,666	3,927
39. Wakefield	2,017	1,910	3,927
40. Winchester	3,121	2,413	5,534
41. Worcester	2,083	1,844	3,927
42. York	4,637	2,860	7,497

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order increases fees fixed in 1974, 1975 and 1977 which are still in operation.

2. The Order provides for the payment of Value Added Tax in addition to the amount of any prescribed fee where the tax is chargeable in respect of the service to which that fee relates. The amendment is made necessary by the substitution of a new section 45 of the Finance Act 1972 (c. 41) by section 14 of, and paragraph 13 of Schedule 6 to, the Finance Act 1977 (c. 36).

3. The practice of the Chancellors in exercising their jurisdiction in relation to item 2 of Table II (Matters for major faculties) has been to enumerate the following:—

Matters for Major Faculties

1. Where estimated cost of work exceeds £1,500.
2. Where confirmatory faculty is sought.
3. Where grave space is reserved.
4. Where body is to be exhumed.
5. Where light or air agreement is to be approved.
6. Where faculty is sought under Open Spaces Act 1906.
7. Where road widening scheme is approved.
8. Where Chancellor so directs in case of unusual difficulty.