STATUTORY INSTRUMENTS

1984 No. 1041

ECCLESIASTICAL LAW, ENGLAND

The Legal Officers' Fees Order 1984

Made (approved by the General Synod) - -	*7th July* 1984
Laid before Parliament	*23rd July* 1984
Coming into Operation	*1st January* 1985

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 the section do hereby order as follows:—

1. The Fees appearing in the Schedule to the Order are established. Table I of the Schedule contains particulars of the fees which are to be received by the legal officers named in the Schedule for the carrying out by them after the commencement of this Order of the duties of their offices specified in the Appendix to the Legal Officers' Fees Order 1983(**b**) (hereinafter referred to as "the Appendix").

2. The Fees established and set out in Table I of the Legal Officers' Fees Order 1983(**b**) and Table II of the Legal Officers' Fees Order 1982(**c**) shall no longer be payable.

3. The diocesan registrar shall perform the duties and provide the professional services set forth in the Appendix in consideration of the annual fee set out in Table I to this Order for his diocese and shall not be entitled to receive any other remuneration for such duties or services save as provided by this Order and the Notes thereto.

4. *(a)* 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.

(**a**) 1962 No 1.
(**b**) SI 1983/1048.
(**c**) SI 1982/939.

(b) Such supplementary annual fee may be agreed in respect of the following work:

(i) Services not falling within the scope of the services covered by the annual fee payable to the diocesan registrar and defined in the Appendix and/or

(ii) Services for which fees are prescribed by Table II and for which the diocesan registrar has agreed with the diocesan board of finance that he will not receive the fees prescribed in the said Table.

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

(d) Any agreement made under sub-paragraph (a) 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 than three months' notice on either side.

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

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

6. 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.

7. This Order may be cited as the Legal Officers' Fees Order 1984 and shall come into operation on the first day of January 1985.

Dated this 12th day of June 1984

J R Cumming-Bruce
T A C Coningsby
T G Penny

W D Pattinson,
Secretary-General

Approved by the General Synod
the 7th day of July 1984

SCHEDULE

Table I

PART I

ANNUAL FEES PAYABLE TO THE BISHOPS' LEGAL SECRETARIES AND TO DIOCESAN REGISTRARS SUBSTITUTED FOR TABLE I PART I OF THE LEGAL OFFICERS' FEES ORDER 1983

	Diocese	Payable by Diocesan Board of Finance	Liability of the Diocesan Bishop	Total
1.	Bath and Wells	10,286	6,042	16,328
2.	Birmingham	4,681	3,670	8,351
3.	Blackburn	6,107	5,427	11,534
4.	Bradford	3,602	4,749	8,351
5.	Bristol	4,681	3,670	8,351
6.	Canterbury	7,034	5,566	12,600
7.	Carlisle	6,821	4,713	11,534
8.	Chelmsford	10,305	6,023	16,328
9.	Chester	6,870	4,664	11,534
10.	Chichester	8,359	6,137	14,496
11.	Coventry	4,727	4,689	9,416
12.	Derby	6,341	5,193	11,534
13.	Durham	6,157	5,377	11,534
14.	Ely	7,078	5,522	12,600
15.	Exeter	10,305	6,023	16,328
16.	Gloucester	7,356	5,244	12,600
17.	Guildford	4,077	4,274	8,351
18.	Hereford	7,784	5,882	13,666
19.	Leicester	6,803	4,731	11,534
20.	Lichfield	9,628	6,105	15,733
21.	Lincoln	12,493	5,070	17,563
22.	Liverpool	4,995	4,421	9,416
23.	London	9,537	6,196	15,733
24.	Manchester	6,674	5,926	12,600
25.	Newcastle	4,861	3,490	8,351
26.	Norwich	12,432	5,131	17,563
27.	Oxford	13,237	4,326	17,563
28.	Peterborough	7,459	6,207	13,666
29.	Portsmouth	3,401	4,950	8,351
30.	Ripon	5,063	4,353	9,416
31.	Rochester	5,195	4,221	9,416
32.	St Albans	7,273	5,327	12,600
33.	St Edmundsbury & Ipswich	9,551	6,182	15,733
34.	Salisbury	10,041	5,692	15,733
35.	Sheffield	4,483	3,868	8,351
36.	Southwark	6,127	5,407	11,534
37.	Southwell	6,246	5,288	11,534
38.	Truro	5,421	3,995	9,416
39.	Wakefield	4,835	4,581	9,416
40.	Winchester	7,106	5,494	12,600
41.	Worcester	4,995	4,421	9,416
42.	York	9,731	6,002	15,733

PART II

FEES PAYABLE TO THE PROVINCIAL REGISTRARS SUBSTITUTED FOR TABLE I PART II OF THE LEGAL OFFICERS' FEES ORDER 1983

	Fee
1. Annual fee for Joint Registrars of the Province of Canterbury	£11,769
2. Annual fee for Registrar of the Province of York	£ 4,707
3. Fee for permission under Overseas and Other Clergy (Ministry and Ordination) Measure 1967	£ 26

PART III

FEES FOR ELECTIONS TO THE GENERAL SYNOD SUBSTITUTED FOR TABLE I PART III OF THE LEGAL OFFICERS' FEES ORDER 1983

1. Fee for duties required to be performed as presiding officer at general elections to the Lower Houses of Convocations or to the House of Laity of the General Synod or at elections to fill vacancies if the full election procedure is used in accordance with Rule 35(1) of the Clergy Representation Rules 1975 and 1980 or Rule 39(5) of the Church Representation Rules, payable to the diocesan registrar	£80 and a further £20 for every hour spent on counting votes
2. 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 35(4) of the Clergy Representation Rules 1975 and 1980 or Rule 39(7) of the Church Representation Rules, payable to the diocesan registrar.	£20 for every hour spent on counting votes

Notes

(a) Nothing in Table I shall prevent a diocesan board of finance and a diocesan registrar from agreeing that in addition to the annual fee prescribed in Part I there shall be paid to the diocesan registrar an additional sum in consideration of the exceptional cost of maintaining his particular diocesan registry and of performing the duties and providing the services referred to in paragraph 3 of this Order.

(b) "Exceptional cost" means either (i) where the expenses of the particular registry for such items as rent, rates and salaries are above the average in registries within the two provinces of Canterbury and York, or (ii) where the duties and services referred to in paragraph 3 of this Order and specified in the Appendix provided by the particular diocesan registrar are more extensive than in the average registry as so defined.

(c) Such annual payment shall be called an "exceptional cost fee".

(d) Every diocesan board of finance shall give consideration to any request by a diocesan registrar for an exceptional cost fee as provided for in sub-paragraphs *(a)* and *(b)* above.

(e) Any agreement made under sub-paragraph *(a)* 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 than three months' notice on either side.

(f) The body responsible for paying an "exceptional cost fee" shall be the diocesan board of finance.

Table II

FEES FOR FACULTIES SUBSTITUTED FOR TABLE II OF THE LEGAL OFFICERS FEES ORDER 1982

	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)).		10
2. Major Faculty (being matters enumerated by the Chancellor). Fees payable on lodging Petition (rule 4(1)) (see note *(a)*)	13	30
3. Minor Faculty (all other cases). Fees payable on lodging Petition (rule 4(1)) (see note *(a)*)	8	16
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	13	21
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	8	6
6. Additional fees where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or Chambers:—		
cases before the Chancellor's Court or the Court of Arches or the Chancery Court of York:		
(i) if a case lasts half a day or less	55	26
(ii) if a case lasts a whole day or more than half	91	52
cases before the Court of Ecclesiatical Causes Reserved:		
(iii) if a case lasts half a day or less	—	40
(iv) if a case lasts a whole day or more than half	—	80
(fee on same scales for subsequent days)	—	—
7. Correspondence (if any) not to exceed without the sanction of the Chancellor or the Presiding Judge of the Appellate Court	—	13

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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order increases some of the fees fixed by the Legal Officers' Fees Orders 1982 and 1983 which are still in operation.

2. The practice of most of the Chancellors in exercising their jurisdiction in relation to item 2 of Table II has been to designate the following as 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.

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