

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Fees (Amendment) Measure 2011. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(2)

SCHEDULE INSERTED AS SCHEDULE A1 TO THE 1986 MEASURE

Commencement Information

II Sch. 1 in force at 1.7.2011 by 2011 No. 1, art. 2

“PART 1

TABLE OF MATTERS TO WHICH PAROCHIAL FEES RELATE

BAPTISMS Certificate issued at time of baptism Short certificate of baptism given under Section 2 of the Baptismal Registers Measure 1961 (9 & 10 Eliz. 2 No. 2))

MARRIAGES Publication of banns of marriage Certificate of banns issued at time of publication Marriage service in church Service of Prayer and Dedication after a Civil Marriage, in church Service of Thanksgiving for marriage in church

FUNERALS AND BURIALS OF PERSONS AGED 16 YEARS OR MORE

Service in church Funeral service in church, whether taking place before or after burial or cremation Burial in churchyard immediately preceding or following on from service in church Burial in cemetery immediately preceding or following on from service in church Cremation immediately preceding or following on from service in church Burial of body in churchyard on separate occasion Burial of cremated remains in churchyard or other lawful disposal of remains on separate occasion Burial in cemetery on separate occasion Memorial service in church

No service in church Service at graveside Service in crematorium or cemetery Burial of body in churchyard Burial of cremated remains in churchyard or other lawful disposal of remains

Certificate issued at time of burial

MONUMENTS IN CHURCHYARDS Permitted in accordance with rules, regulations or directions made by the Chancellor including those relating to a particular churchyard or part of a churchyard (but excluding a monument authorised by a particular faculty) including inscription on existing monument

SEARCHES IN CHURCH REGISTERS ETC Searching registers of marriages for period before 1st July 1837—

(for up to 1 hour)

(for each subsequent hour or part of an hour)

Searching registers of baptisms or burials (including provision of one copy of any entry)

(for up to 1 hour)

(for each subsequent hour or part of an hour)

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Each additional copy of an entry in a register of baptisms or burials Inspection of instrument of apportionment or agreement for exchange of land for tithes deposited under the Tithe Act 1836 (6 & 7 Will. 4 c. 71) Furnishing copies of above (for every 72 words)

PART 2

EXPLANATORY NOTES ON PART 1

Burial on a separate occasion

- 1 In relation to the fee for a burial in a churchyard, “on separate occasion” means on any occasion other than immediately preceding or following on from a service in church and “immediately preceding” includes the day before the day on which the service, burial or cremation takes place and “following on” includes the day after the service, burial or cremation takes place.

Burial of infant

- 2 No fee is payable in respect of the funeral or burial of a still-born infant, or for the funeral or burial of a child dying before attaining the age of 16 years.

Burial of cremated remains in churches or closed churchyards

- 3 Where cremated remains are buried in or under a church or in a closed churchyard, the fees payable to the parochial church council and the diocesan board of finance or either of them are—
- (a) where burial is authorised by a general faculty, the fee prescribed for burial in a churchyard;
 - (b) where burial is authorised by a particular faculty, such sums as may be determined by the Chancellor, who shall specify the person or persons entitled to receive them.

Monuments in churchyards

- 4 Different fees may be prescribed for different types of monument and a separate fee may be prescribed for inscription on a monument.

Where a monument in a churchyard is erected or an additional inscription on a monument is made under the authority of a particular faculty, the fees payable to the parochial church council and the diocesan board of finance or either of them shall be such sums as may be determined by the Chancellor who shall specify the person or persons entitled to receive them.

Searches in Church Registers, etc.

- 5 The search fee relates to a ‘particular search’ where the approximate date of the baptism, marriage or burial is known. The fee for a more general search of a church register is negotiable with the parochial church council and the diocesan board of finance.

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Definitions

6 In this Schedule—

“burial” includes deposit in a vault or brick grave and the interment or deposit of cremated remains;

“cemetery” means a burial ground maintained by a burial authority;

“Chancellor” means the judge of the consistory court or commissary court of the bishop or archbishop of the diocese;

“monument” includes a headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, marker, flatstone, tombstone or tomb of any other kind;

“prescribed” means prescribed by a Parochial Fees Order.”

SCHEDULE 2

Section 4(2)

CONSEQUENTIAL AMENDMENTS

1 The enactments listed in this Schedule shall be amended as follows.

Commencement Information

I2 Sch. 2 para. 1 in force at 1.7.2011 by 2011 No. 1, art. 2

The Marriage Act 1949 (12, 13 & 14 Geo. 6 c. 76)

2 In section 63(1) of the Marriage Act 1949, after the word “fee” there shall be inserted the words “, payable, in the case of a fee previously payable to an incumbent, to the parochial church council of the parish,”.

Commencement Information

I3 Sch. 2 para. 2 in force at 1.7.2011 by 2011 No. 1, art. 2

The Local Authorities' Cemeteries Order 1977 (S.I. 1977/204)

3 The Local Authorities' Cemeteries Order 1977 shall be amended as follows—

(a) in Article 15(2), at the end there shall be added the words “, except that, in the case of fees collected for services rendered by a minister of the Church of England, the fees shall be paid to the diocesan board of finance to which fees are payable under section 1 of the Ecclesiastical Fees Measure 1986”;

(b) Article 15(4) shall be omitted; and

(c) in Article 17(1), for the words from “shall be entitled” to the end there shall be substituted the words “section 1 of the Ecclesiastical Fees Measure 1986 (1986 No. 2) shall have effect where any funeral service is conducted by a person mentioned in subsection (1) of that section”.

Commencement Information

I4 Sch. 2 para. 3 in force at 1.7.2011 by 2011 No. 1, art. 2

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The Parochial Registers and Records Measure 1978 (1978 No. 2)

4 Section 20 of the Parochial Registers and Records Measure 1978 shall be amended as follows—

- (a) in subsection (2)(b), for the word “incumbent” there shall be substituted the words “ diocesan board of finance ”;
- (b) in subsection (3), after the word “incumbent” there shall be inserted the words “ and to the parochial church council of the parish ”; and
- (c) for subsection (5) there shall be substituted the following subsection—

“(5) Nothing in subsections (2) and (3) above shall be taken as affecting the powers of local authorities under section 1 of the Local Government (Records) Act 1962 (power to promote adequate use of records).”.

Commencement Information

I5 [Sch. 2 para. 4](#) in force at 1.7.2011 by [2011 No. 1, art. 2](#)

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