
 STATUTORY INSTRUMENTS

1983 No. 1048

ECCLESIASTICAL LAW, ENGLAND

The Legal Officers' Fees Order 1983

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| <i>Made (Approved by the General Synod)</i> | 12th July 1983 |
| <i>Laid before Parliament</i> | 20th July 1983 |
| <i>Coming into Operation</i> | 1st October 1983 |

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.

2. (a) The Fees established and set out in Table I of the Legal Officers' Fees Order 1980 (b) and in Table IV of the Legal Officers' Fees Order 1982 (c) shall no longer be payable.

(b) Appendix I of the Legal Officers' Fees Order 1974 is hereby repealed.

3. The diocesan registrar shall perform the duties and provide the professional services set forth in the Appendix to this Order in consideration of the annual fee set out in Table I 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 IV.

(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 of the Legal Officers' Fees Order 1982 (c) 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.

 (a) 1962 No. 1.

(b) S.I. 1980/952.

(c) S.I. 1982/939.

- (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.—(1) This Order may be cited as the Legal Officers' Fees Order 1983 and shall come into operation on the first day of October 1983.

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

Dated this 28th day of June 1983.

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

Approved by the General Synod
the 12th day of July 1983.

W. D. Pattinson,
Secretary-General.

APPENDIX

THE SCOPE OF THE ANNUAL FEE

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

- A. 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;
- B. Acting as Registrar to the Diocesan Synod and attendance at its meetings;
- C. Occasional attendance at meetings of the Bishop's Council and Standing Committee and meetings of diocesan boards, councils and committees for the purpose of giving advice on specific matters;
- D. Maintaining of 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 A, C and E hereof;
- E. Giving of advice to churchwardens and secretaries of PCCs on any legal matter properly arising in connection with their official business;
- F. Giving of 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;
- G. Giving of advice to a bona fide enquirer concerning the law of marriage according to the rites and ceremonies of the Church of England;
- H. Acting as Registrar to the Consistory Court of the diocese except in so far as a separate fee is prescribed by this Order or by Table II of the Legal Officers' Fees Order 1982 or except in so far as either of these Orders provides that a fee calculated in accordance with the Solicitors' Remuneration Order 1972 is payable;
- I. Attendance at episcopal and archidiaconal visitations;
- J. Drafting or preparing, approving, engrossing and registering of all notices, licences, consents, permissions, instruments and other documents required by law or customarily used in connection with the following matters:
 - Ordination
 - Certification of Ordination
 - Admission to Freehold Office
 - Certification of Institution or Collation
 - Presentation to a Benefice
 - Commission for Institution or Collation
 - Provision of Letters Dimissory or Letters of Request
 - Licensing of Non-residence, for legalising house of residence
 - Resignation
 - Under the Pastoral Measure 1968
 - admission to office of rector for term of years
 - licensing of vicar in a team ministry or for extending term of years of rector or vicar in a team ministry
 - issuing of notices relating to suspension or restriction under Part IV of the Measure
 - designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949 and other purposes
 - Issuing of permission to officiate to and licensing of clerks in holy orders

- Appointment of Rural Dean
- Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Measure 1978 and Church of England (Miscellaneous Provisions) Measure 1983
- Episcopal and archidiaconal visitations
- Appointment of sequestrators and matters relating to sequestrations
- Provision of agreements to form a Conventional District
- Consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963
- Licensing of unconsecrated churches or places of worship (including temporary licences)
- Licensing of Burial Ground until Consecration
- Ordering of Licensed Chapel to come under Faculty Jurisdiction
- K. Acting in relation to the following matters on the instructions of the Diocesan Bishop, suffragan bishops, archdeacons or on the instructions of a diocesan board or council whose business properly includes such matters:
 - Consecration of a Church and Burial Ground or a Church without a Burial Ground
 - Consecration of a Cemetery or Burial Ground
 - Preparation and Registration of documents required under the Consecration of Churchyards Act 1867 for consecration of additions to churchyards
 - Licensing of a Building for Marriages, including settling the area to which the licence should apply
 - Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930
 - Issuing of notices under the Benefices (Exercise of Rights of Presentation) Measure 1931 (including instances where body of advisers is consulted).
- 2. The provisions of paragraph 1 hereof shall be restricted as follows:
 - (i) Where the Registrar receives a request for advice on any matter properly falling within paragraph 1 sub paragraphs A, D, E, F and G,
 - (a) he shall not be required to correspond with a third party involved in the enquiry
 - (b) before giving advice he shall first consider whether the matter on which his 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 himself
 - (c) if a legal dispute arises between parties who are both church officers he may decline to advise either party, but he shall be at liberty to advise both parties with a view to helping them to resolve their dispute if in his judgement it is desirable to do so;
 - (ii) The Registrar shall not be required to attend meetings of the Bishop's Council, diocesan boards, councils and committees except upon an occasional basis to give legal advice on specific matters. (He may attend regularly such meetings to give general advice and assistance if requested to do so by the board, council or committee in question and in that case he shall be entitled to be separately remunerated for this work.)
- 3. The provisions of paragraph 2(i) hereof 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.
- 4. 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' Remuneration Order 1972 shall be payable:—

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- (i) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub paragraphs J and K hereof;
 - (ii) Matters relating to individual diocesan, parochial or educational trusts or to individual pieces of diocesan glebe property;
 - (iii) Litigation;
 - (iv) Investigation of Title in case of change of patronage since the last presentation (the fee is payable by the patron);
 - (v) Deposition or deprivation consequent upon proceedings in secular courts, including the following:
 - (a) Service of notice on priest or deacon of intention to depose him from Holy Orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1963 (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);
 - (vi) 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:
 - Consecration or licensing of a public cemetery, a private burial ground or a private chapel
 - Licensing the chapel of an extra-parochial place for the marriage of persons living or residing within that place
 - Notification under Section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (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);
 - (vii) Acting as Chapter Clerk (whether or not the Diocesan Registrar holds the office of Chapter Clerk) and in particular doing the work for which a separate fee is prescribed by Table I of the Legal Officers' Fees Order 1980 before the coming into operation of this Order, namely work in connection with the following matters:—
 - Installation to a Deanery
 - Installation to a Canonry or Prebend (whether Residentiary or Honorary) or to an Archdeaconry
 - Admission to a Minor Canonry.(These fees are payable out of Capitular Revenues.)
5. If any disbursements 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.

SCHEDULE

TABLE I

PART I

ANNUAL FEES PAYABLE TO BISHOPS' LEGAL SECRETARIES AND TO DIOCESAN REGISTRARS SUBSTITUTED FOR TABLE IV OF THE LEGAL OFFICERS' FEES ORDER 1982

| Diocese | Payable by Diocesan Board of Finance | Liability of the Diocesan Bishop | Total |
|------------------------------|---|---|--------|
| | £ | £ | £ |
| 1. Bath and Wells | 9,796 | 5,754 | 15,550 |
| 2. Birmingham | 4,458 | 3,495 | 7,953 |
| 3. Blackburn | 5,816 | 5,169 | 10,985 |
| 4. Bradford | 3,430 | 4,523 | 7,953 |
| 5. Bristol | 4,458 | 3,495 | 7,953 |
| 6. Canterbury | 6,699 | 5,301 | 12,000 |
| 7. Carlisle | 6,496 | 4,489 | 10,985 |
| 8. Chelmsford | 9,814 | 5,736 | 15,550 |
| 9. Chester | 6,543 | 4,442 | 10,985 |
| 10. Chichester | 7,961 | 5,845 | 13,806 |
| 11. Coventry | 4,502 | 4,466 | 8,968 |
| 12. Derby | 6,039 | 4,946 | 10,985 |
| 13. Durham | 5,864 | 5,121 | 10,985 |
| 14. Ely | 6,741 | 5,259 | 12,000 |
| 15. Exeter | 9,814 | 5,736 | 15,550 |
| 16. Gloucester | 7,006 | 4,994 | 12,000 |
| 17. Guildford | 3,883 | 4,070 | 7,953 |
| 18. Hereford | 7,413 | 5,602 | 13,015 |
| 19. Leicester | 6,479 | 4,506 | 10,985 |
| 20. Lichfield | 9,170 | 5,814 | 14,984 |
| 21. Lincoln | 11,898 | 4,829 | 16,727 |
| 22. Liverpool | 4,757 | 4,211 | 8,968 |
| 23. London | 9,083 | 5,901 | 14,984 |
| 24. Manchester | 6,356 | 5,644 | 12,000 |
| 25. Newcastle | 4,629 | 3,324 | 7,953 |
| 26. Norwich | 11,840 | 4,887 | 16,727 |
| 27. Oxford | 12,607 | 4,120 | 16,727 |
| 28. Peterborough | 7,104 | 5,911 | 13,015 |
| 29. Portsmouth | 3,239 | 4,714 | 7,953 |
| 30. Ripon | 4,822 | 4,146 | 8,968 |
| 31. Rochester | 4,948 | 4,020 | 8,968 |
| 32. St Albans | 6,927 | 5,073 | 12,000 |
| 33. St Edmundsbury & Ipswich | 9,096 | 5,888 | 14,984 |
| 34. Salisbury | 9,563 | 5,421 | 14,984 |
| 35. Sheffield | 4,269 | 3,684 | 7,953 |
| 36. Southwark | 5,835 | 5,150 | 10,985 |
| 37. Southwell | 5,949 | 5,036 | 10,985 |
| 38. Truro | 5,163 | 3,805 | 8,968 |
| 39. Wakefield | 4,605 | 4,363 | 8,968 |
| 40. Winchester | 6,768 | 5,232 | 12,000 |
| 41. Worcester | 4,757 | 4,211 | 8,968 |
| 42. York | 9,268 | 5,716 | 14,984 |

PART II
Provincial Registrars

| | <i>Fee</i> |
|--|------------|
| 1. Annual fee for Joint Registrars of the Province of Canterbury | £11,051 |
| 2. Annual fee for Registrar of the Province of York | £ 4,420 |
| 3. Fee for permission under Overseas and Other Clergy (Ministry and Ordination) Measure 1967 | £ 25 |

PART III

Fees payable to diocesan registrars as presiding officers at general elections and casual elections to the General Synod transferred from Table I of the Legal Officers' Fees Order 1980

| | |
|---|---|
| 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. | £70 and a further fee of £15 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. | £15 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 annual 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 hereof 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.

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