

1986 No. 1144

ECCLESIASTICAL LAW, ENGLAND

FEES

The Legal Officers' Fees Order 1986

<i>Made (Approved by the General Synod)</i>	<i>5th July 1986</i>
<i>Laid before Parliament</i>	<i>8th July 1986</i>
<i>Coming into Operation</i>	<i>1st January 1987</i>

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, after the commencement of this Order, by the legal officers named in Table I, Part I of the Schedule for the carrying out by them of the duties of their offices specified in the Appendix hereto (hereinafter referred to as “the Appendix”) and by the Vicars-General named in Table I, Part II of the Schedule.

2. The Fees established and set out in Table I and Table II of the Legal Officers' Fees Order 1985 (b) 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 of Part 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 an annual fee or retainer (hereinafter called a “supplementary annual fee”) which is in addition to the annual fee payable under Table I.

(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.

(a) 1962 No. 1.

(b) S.I. 1985/1050.

- (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 1986 and shall come into operation on the first day of January 1987.

Dated this 2nd day of June 1986.

J. R. Cumming-Bruce
T. A. C. Coningsby
A. Black

Approved by the General Synod
the 5th day of July 1986.

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. Giving of occasional advice to chairmen and secretaries of diocesan boards, councils and committees in connection with the business of the respective boards, councils and committees;
- C. Acting as Registrar to the Diocesan Synod and attendance at its meetings;
- D. Attendance at the Bishop's Council and Standing Committee if required by that Committee;
- E. Occasional attendance at meetings of diocesan boards, councils and committees for the purpose of giving advice on specific matters;
- F. 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, B and G hereof;
- G. Giving of advice to churchwardens and secretaries of PCCs on any legal matter properly arising in connection with their duties or official business;
- H. 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;
- I. Giving of 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;
- J. Giving of advice to persons considering or proposing to make an application for a legal aid certificate for financial assistance from the ecclesiastical legal aid fund constituted under section 59 of the Ecclesiastical Jurisdiction Measure 1963;
- K. Acting as Registrar to the Consistory Court of the diocese except in so far as a separate fee is prescribed by Table II of this Order or except in so far as this Order provides that a fee calculated in accordance with the Solicitors' Remuneration Order 1972 is payable;
- L. Attendance at episcopal and archidiaconal visitations;
- M. 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
 - Presentation to a Benefice
 - Commission for Institution or Collation
 - Admission to Freehold Office
 - Certification of 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 1983
 - 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 permissions 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)
- Ordering of Licensed Chapel to come under Faculty Jurisdiction
- Issuing of permissions to officiate to and licensing of deaconesses, lay workers and readers
- Under the Parochial Registers and Records Measure 1978 authorisation to retain any register book or record in parochial custody;
- N. 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 Patronage) 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, B, F, G, H and I,
- (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 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:—

- (i) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub-paragraphs M and N hereof;
- (ii) Matters relating to individual diocesan, parochial or educational trusts or to individual pieces of diocesan glebe property;
- (iii) Litigation;
- (iv) Acting as secretary to the Vacancy in See Committee constituted under the Vacancy in See Committees Regulation 1977 on a vacancy in the see of the diocesan bishopric;
- (v) Investigation of Title in case of change of patronage since the last presentation (the fee is payable by the patron);
- (vi) 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);
- (vii) 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);
- (viii) 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:
 - 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 other than expenses specified in paragraph 5 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.

SCHEDULE

TABLE I

PART I

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS SUBSTITUTED FOR TABLE I
PART I OF THE LEGAL OFFICERS' FEES ORDER 1985

Diocese	Payable by Diocesan Board of Finance	Liability of the Diocesan Bishop	Total
1. Bath and Wells	12403	7285	19688
2. Birmingham	5904	4629	10533
3. Blackburn	7731	6870	14601
4. Bradford	4543	5990	10533
5. Bristol	5904	4629	10533
6. Canterbury	8151	6450	14601
7. Carlisle	8634	5967	14601
8. Chelmsford	12816	7491	20307
9. Chester	8697	5904	14601
10. Chichester	9698	7120	16818
11. Coventry	5844	5797	11641
12. Derby	8027	6574	14601
13. Durham	7794	6807	14601
14. Ely	8824	6885	15709
15. Exeter	12816	7491	20307
16. Gloucester	9171	6538	15709
17. Guildford	5143	5390	10533
18. Hereford	9580	7239	16818
19. Leicester	8612	5989	14601
20. Lichfield	12048	7640	19688
21. Lincoln	15592	6327	21919
22. Liverpool	6176	5465	11641
23. London	11935	7753	19688
24. Manchester	8321	7388	15709
25. Newcastle	6131	4402	10533
26. Norwich	15516	6403	21919
27. Oxford	16520	5399	21919
28. Peterborough	9179	7639	16818
29. Portsmouth	4290	6423	10533
30. Ripon	5664	4869	10533
31. Rochester	6422	5219	11641
32. St Albans	9068	6641	15709
33. St Edmundsbury & Ipswich	11952	7736	19688
34. Salisbury	10734	6084	16818
35. Sheffield	5654	4879	10533
36. Southwark	8345	7364	15709
37. Southwell	7907	6694	14601
38. Truro	6702	4939	11641
39. Wakefield	5977	5664	11641
40. Winchester	8860	6849	15709
41. Worcester	6176	5465	11641
42. York	12177	7511	19688

PART II

FEES PAYABLE TO THE PROVINCIAL REGISTRARS SUBSTITUTED FOR TABLE I PART II OF THE LEGAL OFFICERS' FEES ORDER 1985 AND ANNUAL FEES PAYABLE TO THE VICARS-GENERAL

	Fee
1. Annual fee for Joint Registrars of the Province of Canterbury	£19,240
2. Annual fee for Registrar of the Province of York	£ 7,696
3. Fee for permission under Overseas and Other Clergy (Ministry and Ordination) Measure 1967	£ 28
4. Annual fee for Vicar-General of the Province of Canterbury	£ 800
5. Annual fee for Vicar-General of the Province of York	£ 650

PART III

FEES FOR ELECTIONS TO THE GENERAL SYNOD
(Re-enacting Table I Part III of the Legal Officers' Fees Order 1985)

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 to 1984 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(3) of the Clergy Representation Rules 1975 to 1984 or Rule 39(6) 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
FACULTIES AND COURT FEES SUBSTITUTED FOR TABLE II OF THE LEGAL OFFICERS'
FEES ORDER 1985

	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)).		11.00
2. Major Faculty (being matters enumerated by the Chancellor). Fees payable on lodging Petition (rule 4(1)) (see note (a))	14.50	33.00
3. Minor Faculty (all other cases). Fees payable on lodging Petition (rule 4(1)) (see note (a)).	9.00	17.50
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	14.50	23.50
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	9.00	7.00
6. Additional fees where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or Chambers:—		
(a) 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	60.50	28.50
(ii) if a case lasts a whole day or more than half	100.00	57.00
(b) cases before the Court of Ecclesiastical Causes Reserved		
(i) if a case lasts a half a day or less	—	43.50
(ii) if a case lasts a whole day or more than half (fee on same scales for subsequent days)	—	87.50
7. Preparatory & ancillary work and correspondence (if any) not to exceed without the sanction of the Chancellor or the Presiding Judge of the Appellate Court.	—	15.50

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.
- (c) References to rules are references to the Faculty Jurisdiction Rules 1967 as amended by the Faculty Jurisdiction (Amendment) Rules 1975

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order increases some of the fees fixed by the Legal Officers' Fees Order 1985.
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, excluding professional fees and VAT, exceeds £2,500.
 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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