

1987 No. 1297

ECCLESIASTICAL LAW, ENGLAND

FEES

Ecclesiastical Judges and Legal Officers (Fees) Order 1987

*Made (Approved by the
General Synod)*

11th July 1987

Laid before Parliament

23rd July 1987

Coming into force

1st January 1988

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(a) in the exercise of the powers conferred by section 6 do hereby order as follows:

1. The Fees appearing in the Schedule to the Order are established. The Tables of the Schedule contain particulars of the fees which are to be received, after the commencement of this Order, by the ecclesiastical judges and legal officers named in the schedule for the carrying out by them of the duties of their offices specified in the Schedule.

2. The Fees established and set out in items 3, 4 and 5 of Part II of Table I and Table II of the Schedule to the Legal Officers' Fees Order 1986(b) shall no longer be payable.

3. (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 any fee or fees prescribed by Order made under the Ecclesiastical Fees Measure 1986.

(b) Such supplementary annual fee may be agreed in respect of 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.

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

5. 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.

6. This Order may be cited as the Ecclesiastical Judges and Legal Officers (Fees) Order 1987 and shall come into force on the first day of January 1988.

Dated this 26th day of May 1987

J. R. Cumming-Bruce

A. Black

T. A. C. Coningsby

P. S. Dawes

D. Lovelock

Approved by the General Synod the 11th day of July 1987.

W. D. Pattinson
Secretary-General

SCHEDULE

TABLE I

FACULTIES AND COURT FEES SUBSTITUTED FOR TABLE II OF THE LEGAL OFFICERS FEES ORDER

	<i>Dean of the Arches, Vicar General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
	£	£
1. Archdeacon's Certificate. Fee payable on application (rule 3(1)).	—	11.50
2. Major Faculty (being matters enumerated by the Chancellor). Fees payable on lodging Petition (rule 4(1)) (see note(a)).	15.50	34.50
3. Minor Faculty (all other cases). Fees payable on lodging Petition (rule 4(1)) (see note (a)).	9.50	18.50
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	15.50	23.00
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	9.50	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	63.50	30.00
(ii) if a case lasts a whole day or more than half	104.50	60.00
(b) cases before the Court of Ecclesiastical Causes Reserved—		
(i) if a case lasts half a day or less	—	45.50
(ii) if a case lasts a whole day or more than half	—	91.50
(fee on same scales for subsequent days)		
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.	—	16.50

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 Jurisdictions Rules 1967 as amended by the Faculty Jurisdiction (Amendment) Rules 1975.

TABLE II

FEEs SUBSTITUTED FOR TABLE I PART II OF THE LEGAL OFFICERS' FEES ORDER
1986

1. Fee payable to Provincial Registrar for permission under Overseas and Other Clergy (Ministry and Ordination) Measure 1967	£ 29
2. Annual fee for Vicar-General of the Province of Canterbury	£840
3. Annual fee for Vicar-General of the Province of York	£683

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 1986.
2. The practice of most of the Chancellors in exercising their jurisdiction in relation to item 2 of Table I 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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