
STATUTORY INSTRUMENTS

1993 No. 1842

ECCLESIASTICAL LAW, ENGLAND

FEEES

Ecclesiastical Judges and Legal Officers (Fees) Order 1993

<i>Made (Approved by the General Synod)</i>	- - -	<i>9th July 1993</i>
<i>Laid before Parliament</i>		<i>22nd July 1993</i>
<i>Coming into force</i>	- - -	<i>1st January 1994</i>

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(1), in the exercise of the powers conferred by section 6 do hereby order as follows:

1. The fees appearing in the Tables of the Schedule to this Order are established and are substituted for the fees appearing in the corresponding Tables of the Schedule to the Ecclesiastical Judges and Legal Officers (Fees) Order 1992(2). 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 carrying out by them of the duties of their offices specified in the Schedule.

2. The Ecclesiastical Judges and Legal Officers (Fees) Order 1992 is hereby revoked.

- (a) (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 or fees prescribed by Order made under the Ecclesiastical Fees Measure 1986.
- (b) An agreement made under sub-paragraph (a) above shall be expressed to be an agreement for a payment by way of supplementary annual fee.
- (c) An 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.
- (d) The body responsible for paying a supplementary annual fee shall be the diocesan board of finance.

(1) 1986 No. 2.
(2) S.I.1992/2883.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 Valued 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 1993 and shall come into operation on the first day of January 1994.

*R.B. Gibson
A.K.L. Black
M.J. Colman
Peter Crediton
C.A. McLintock*

Dated this 13th day of May 1993

Approved by the General Synod

the ninth day of July 1993

P.J.C. Mawer
Secretary-General

SCHEDULE

TABLE 1

FACULTY AND COURT FEES

	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
1. Archdeacon's Faculty. Fee payable on lodging petition (rule 3).	—	37
2. Chancellor's Faculty. Fees payable on lodging petition (rule 3).	26	58
3. Additional fees where the Chancellor has ordered under rule 25 that the proceedings are to be determined upon consideration of written representations, such fees, and by whom they are to be paid, to be fixed by the Chancellor within the limits shown.	92–145	59–87
4. On the registrar referring a petition in respect of which a fee has become payable under paragraph 1 of this Table to the Chancellor under rule 6(5), 7 or 9, the petitioner, if he wishes to proceed, shall pay a further fee of	26	21
5. Additional fees on the Judge or registrar giving other directions (otherwise than at a hearing in respect of which fees are payable under paragraph 6 of this Table), such fees, and by whom they are to be paid, to be fixed by the Judge within the limits shown—	55–166	37–111
(a) on a pre-trial review of the case as a whole under rule 18—		
(i) directions given by Judge		

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
(ii) directions given by registrar	—	55–166
(b) (b) on the giving of other directions—	22–67	15–44
(i) directions given by the Judge		
(ii) directions given by registrar	—	22–67
6. Additional fees where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or in Chambers before the Chancellor’s Court, the Court of Arches or Chancery Court of York, or the Court of Ecclesiastical Causes Reserved—	173	131
(a) if the case lasts half a day or less		
(b) (b) if the case lasts a whole day or more than half	290	218
(fees on same scale for subsequent days)		
7. Additional fee on the Judge preparing a written judgement or drafting the form of order or both, such fee to be at the hourly rate shown and in respect of the number of hours certified by the Judge as spent in such work, and by whom the fee is to be paid to be determined by the Court.	28	—
8. Preparatory and ancillary work and correspondence (if any) in relation to petition for faculty—not to exceed without the sanction of the Judge.	—	26
(a) (a) No fees are payable under paragraphs 5 and 6 to the members		

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
of the Court of Ecclesiastical Causes Reserved.		
(b) All other fees of the Registry in opposed cases are to be paid on the same scale as allowed for Court fees, from time to time, in the Supreme Court of Judicature.		
(c) “Judge” means the Chancellor or Presiding Judge of the Appellate Court.		
(d) References to Rules are to the Faculty Jurisdiction Rules 1992.		

TABLE II

FEES PAYABLE FOR PERMISSIONS UNDER THE OVERSEAS AND OTHER CLERGY (MINISTRY AND ORDINATION) MEASURE 1967 AND ANNUAL FEES PAYABLE TO THE VICARS-GENERAL

	Fee £
1. Fee payable to Provincial Registrar for 47 permission under the Overseas Clergy (Ministry and Ordination) Measure 1967	
2. Annual fee for Vicar-General of the 1,327 Province of Canterbury	
3. Annual fee for Vicar-General of the 1,078 Province of York	

NOTE: These fees are the liability of the Archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

TABLE III

FEES PAYABLE IN CONNECTION WITH APPEALS IN FACULTY CASES

	Fee £
1. Application under rule 3 to determine the Court to which appeal lies (except where application is made immediately after giving of judgement). To be paid to registrar by applicant on lodging application— for chancellor	61
for registrar	34
2. Appeal under rule 4. To be paid to registrars by appellant on lodging notice of appeal— to registrar of diocese	115
to registrar of appellate court	59
Plus where appeal is to Court of Ecclesiastical Causes Reserved, a fee, to be fixed by registrar of Court of Ecclesiastical Causes Reserved, in respect of the cost of preparing five copies for the use of members of the Court of the documents to be transmitted by the registrar of the diocese under rule 4(5)(b), the notice of appeal and the documents to be furnished by the appellant under rule 4(7), to be paid to registrar of Court of Ecclesiastical Causes Reserved by appellant when assessed by registrar.	
3. Petition for Review under rule 9. To be paid to registrar of Court of Ecclesiastical Causes Reserved by petitioner on lodging petition.	115
4. Interlocutory application under rule 11(2). To be paid to registrar of appellate court on lodging notice of appeal.	15
5. Appeal under rule 11(6). To be paid to registrar of appellate court by appellant on lodging notice of appeal.	15
NOTES:	
(a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965.	
(b) The fees set out above are in addition to those set out in Table I.	

TABLE IV
FEE PAYABLE ON TAXATION OF COSTS IN
DISCIPLINE AND FACULTY APPEAL CASES

	Fee £
1. To be paid to registrar by party applying for taxation on lodging application.	13
2. To be paid to registrar by party applying on taxation of a bill of costs—	50
(a) where the amount allowed does not exceed £1,000	
(b) where the amount allowed exceeds £1,000—	50
(i) for the first £1,000	
(ii) for every £20 or fraction thereof over £1,000	0.50

TABLE V
FEE FOR DUTIES UNDER THE PATRONAGE (BENEFICES) RULES 1987(3)

Fees for work by the diocesan registrar in connection with—

- (a) any search in the register of patrons (“the register”) maintained under Part I of the Patronage (Benefices) Measure 1986(4) (rule 10(1));
- (b) the making of any extract from the register (rule 10(1));
- (c) supplying a certified copy of any entry in the register (rule 10(2));

except so far as the work is within the scope of the annual fee payable to the diocesan registrar under the Legal Officers (Annual Fees) Order for the time being in force made under section 5 of the Ecclesiastical Fees Measures 1986.

Fees payable to the diocesan registrar to be calculated in accordance with the Solicitors' Remuneration Order 1972(5) and to be payable by the person making the search or extract or requesting the certified copy.

NOTE: References to rules are to The Patronage (Benefices) Rules 1987.

TABLE VI
FEE FOR ELECTIONS TO THE GENERAL SYNOD

- | | |
|--|--|
| 1. Fees for duties required to be performed as presiding officer at general elections to the counting votes | £100 and a further £25 for every hour spent on |
|--|--|

(3)
(4) 1986 No. 3.
(5) S.I. 1972/1139.

S.I. 1987/773.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Lower Houses of the 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 1989 or Rule 39(5) of the Church Representation Rules, payable to the diocesan registrar where he acts as presiding officer.

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) and (4) of the Clergy Representation Rules 1975 to 1989 or Rule 39(6) of the Church Representation Rules, payable to the diocesan registrar where he acts as presiding officer. £25 for every hour spent on counting votes

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the fees fixed by the Ecclesiastical Judges and Legal Officers (Fees) Order 1992 in relation to faculty and court proceedings, and also the fees in Tables II, III and IV of the 1992 Order (other than the fees of £50 and 50p payable on taxation of costs in discipline and faculty appeal cases, which are fixed as percentages of the £1,000 and £20 figures to which they relate). The increased fees will come into force on 1st January 1994.