
STATUTORY INSTRUMENTS

1993 No. 1843

ECCLESIASTICAL LAW, ENGLAND

FEEES

Legal Officers (Annual 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 5 do hereby order as follows:

1. The Fees appearing in the Schedule to this Order are established. The Tables of the Schedule contain particulars of the Annual Fees which are to be received, after the commencement of this Order, by the legal officers named in Table I of the Schedule (hereinafter referred to as “Table I”) in respect of 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 legal officers named in Table II of the Schedule in respect of the carrying out by them of the duties of their offices.

2. The Fees established and set out in the second column of Table I of the Schedule are to be paid by the diocesan board of finance. The Fees established and set out in the third column of Table I and in Table II of the Schedule are the liability of the diocesan bishop or archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.

3. The Legal Officers (Annual Fees) Order 1992((2)) is hereby revoked.

4. 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 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.

- (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 payable under Table I.

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- (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.

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

7. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order (including any fee specified in paragraph 4 of the Appendix) there shall be payable in addition to that fee the amount of the Value Added Tax.

8. This Order may be cited as the Legal Officers (Annual 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

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 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, and giving of advice to chairmen and secretaries of diocesan boards, councils and committees on any legal matter properly arising in connection with the business of the respective boards, councils and committees;

(B) Acting as Registrar to the Diocesan Synod and attendance at its meetings;

(C) Attendance at the Bishop's Council and Standing Committee if required by that Committee;

(D) Occasional attendance at meetings of diocesan boards, councils and committees for the purpose of giving advice on specific matters;

(E) 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 and F hereof;

(F) Giving of advice to churchwardens and secretaries of PCCs on any legal matter properly arising in connection with their duties or official business;

(G) 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;

(H) 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;

(I) 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 maintained under section 1 of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988;

(J) Acting as Registrar to the Consistory Court of the diocese except in so far as a separate fee is prescribed by Order made under the Ecclesiastical Fees Measure 1986 or except in so far as this Order provides that a fee calculated in accordance with the Solicitors' Remuneration Order 1972 is payable;

(K) Attendance at episcopal visitations;

(L) Drafting or preparing, approving, engrossing and registering of all notices, licences, 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

Licensing of Non-Residence, for legalising house of residence

Resignation (other than resignation of an incumbent)

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Under the Pastoral Measure 1983

admission to office of rector for term of years

licensing of vicar in team ministry or for extending term of years of rector or vicar in a team ministry

designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949 and other purposes

Licensing of clerks in holy orders and deaconesses

Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Measure 1978 and Church of England (Miscellaneous Provisions) Measure 1983

Episcopal visitations

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;

(M) 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 the consecration of additions to churchyards

Licensing of a Building for Marriages

Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (in relation to a guild church in the City of London);

(N) Work in connection with the following matters—

Maintaining the register of patrons (“the register”) under Part I of the Patronage (Benefices) Measure 1986 (“the the Measure”) as required by section 1(1) of the the Measure

Searches in and making of extracts from the register, enquiries as to entries in the register and supplying certified copies of entries in the register, where the search, extract or enquiry is made or the certified copy is requested by or on behalf of a person or body referred to at the commencement of sub-paragraph M or by the designated officer (within the meaning of section 7(5) of the the Measure)

Receipt and issue of notices and notification of representations under section 3(3) and (4) of the the Measure.

2. The provisions of paragraph 1 hereof shall be restricted as follows:—

(a) Where the Registrar receives a request for advice on any matter properly falling within paragraph 1 sub-paragraph A, E, F, G and H—

(i) he shall not be required to correspond with a third party involved in the enquiry

(ii) 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

- (iii) 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;
 - (b) 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 such meetings regularly 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(a) 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-paragraph L and M 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 1993 on a vacancy in the see of the Diocesan Bishopric;
 - (v) Deposition or deprivation consequent upon proceedings in secular courts, including the following–
 - (a) Service of notice on priest or deacon or 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) Pronouncing of censure under section 31 of the Ecclesiastical Jurisdiction Measure 1963 with the consent of the accused (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 a marriage of persons living or residing within that place
 - Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (in relation to a guild church in the City of London) (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) Work carried out in relation to the register of patrons under Part I of the Patronage (Benefices) Measure 1986 where a fee calculated in accordance with the Solicitors' Remuneration Order 1972 is payable under the Ecclesiastical Judges and Legal

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Officers (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986;

- (ix) 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 6 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

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS (SUBSTITUTED FOR TABLE I OF THE SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1992)

Diocese	Payable by Diocesan Board of Finance	Liability of the Diocesan Bishop	Total
Bath and Wells	18,450	10,835	29,285
Birmingham	11,690	9,165	20,855
Blackburn	12,669	11,254	23,923
Bradford	8,044	10,611	18,655
Bristol	11,298	8,855	20,153
Canterbury	12,791	10,120	22,911
Carlisle	13,660	9,439	23,099
Chelmsford	20,571	12,023	32,594
Chester	14,963	10,154	25,117
Chichester	16,737	12,288	29,025
Coventry	10,442	10,355	20,797
Derby	12,725	10,420	23,145
Durham	12,963	11,320	24,283
Ely	13,325	10,394	23,719
Exeter	19,429	11,357	30,786

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Diocese	Payable by Diocesan Board of Finance	Liability of the Diocesan Bishop	Total
Gloucester	14,253	10,161	24,414
Guildford	9,965	10,444	20,409
Hereford	13,817	10,440	24,257
Leicester	13,300	9,247	22,547
Lichfield	19,003	12,050	31,053
Lincoln	22,161	8,992	31,153
Liverpool	12,106	10,711	22,817
London	19,895	12,922	32,817
Manchester	14,273	12,672	26,945
Newcastle	12,035	8,638	20,673
Norwich	22,512	9,290	31,802
Oxford	27,666	9,039	36,705
Peterborough	13,793	11,479	25,272
Portsmouth	7,616	11,081	18,697
Ripon	10,643	9,151	19,794
Rochester	12,176	9,895	22,071
St. Albans	15,453	11,316	26,769
St. Edmundsbury & Ipswich	16,817	10,884	27,701
Salisbury	18,407	10,434	28,841
Sheffield	11,275	9,730	21,005
Southwark	15,046	13,278	28,324
Southwell	12,457	10,549	23,006
Truro	12,341	9,096	21,437
Wakefield	10,995	10,416	21,411
Wichester	14,218	10,991	25,209
Worcester	10,864	9,611	20,475
York	18,802	11,595	30,397

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TABLE II

FEEES PAYABLE TO THE PROVINCIAL REGISTRARS (SUBSTITUTED FOR TABLE II OF THE SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1992)

	Fee £
1. Annual fee for Joint Registrars of the Province of Canterbury	39,170
2. Annual fee for Registrar of the Province of York	17,077

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the annual fees for diocesan registrars and the provincial registrars fixed by the Legal Officers (Annual Fees) Order 1992.