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STATUTORY INSTRUMENTS

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**1994 No. 2009**

**ECCLESIASTICAL LAW, ENGLAND**

**FEEES**

**The Ecclesiastical Judges and Legal Officers (Fees) Order 1994**

<i>Made (Approved by the General Synod)</i>	- -	<i>8th July 1994</i>
<i>Laid before Parliament</i>		<i>29th July 1994</i>
<i>Coming into force</i>	- -	<i>1st January 1995</i>

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986<sup>(1)</sup>, 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 1993<sup>(2)</sup>. 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 1993 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.

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<sup>(1)</sup> 1986 No. 2; amended by the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991](#) (1991 No. 1), Schedule 3.

<sup>(2)</sup> S.I. 1993/1842.

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

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 1994 and shall come into operation on the first day of January 1995.

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

Dated this 9th day of May 1994

Approved by the General Synod

*P. J. C. Mawer*  
Secretary-General

the 8th day of July 1994

## SCHEDULE

## TABLE I

## FACULTY AND COURT FEES

		<i>Dean of the Arches, Vicar General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
		£	£
1.	Archdeacons Faculty. Fee payable on lodging petition (rule 3).	—	38
2.	Chancellors Faculty. Fees payable on lodging petition (rule 3).	27	60
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.	95–149	61–89
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.	27	22
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		

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	<i>Dean of the Arches, Vicar General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
	£	£
	this Table), such fees, and by whom they are to be paid, to be fixed by the Judge within the limits shown—	
	(a) on a pre-trial review of the case as a whole under rule 18—	
	(i) directions given by Judge	56–171
	(ii) directions given by registrar.	38–114
	(b) on the giving of other directions—	
	(i) directions given by Judge	23–69
	(ii) directions given by registrar.	56–171
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 Chancellors Court, the Court of Arches or Chancery Court or York, or the Court of Ecclesiastical Causes Reserved—	
	(a) if the case lasts half a day or less	178
	(b) if the case lasts a whole day or more than half	298
	(fees on same scale for subsequent days).	
7.	Additional fee on the Judge preparing a written judgement or	29

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		<i>Dean of the Arches, Vicar General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
		£	£
	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.		
8.	Preparatory and ancillary work and correspondence (if any) in relation to petition for faculty— not to exceed without the sanction of the Judge.	—	27
9	<p>(a) No fees are payable under paragraphs 5 and 6 to the members of the Court Ecclesiastical Causes Reserved.</p> <p>(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.</p> <p>(c) Judge means the Chancellor or Presiding Judge of the 3 Appellate Court.</p> <p>(d) References to Rules are to the Faculty</p>		

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	<i>Dean of the Arches, Vicar General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
	£	£
Jurisdiction Rules 1992(3).		

## TABLE II

### FEES PAYABLE FOR PERMISSIONS UNDER THE OVERSEAS AND OTHER CLERGY (MINISTRY AND ORDINATION MEASURE) 1967(4) AND ANNUAL FEES PAYABLE TO THE VICARS-GENERAL

		Fee £
1.	Fee payable to Provincial Registrar for permission under the Overseas Clergy (Ministry and Ordination) Measure 1967.	48
2.	Annual fee for Vicar-General of the Province of Canterbury.	1,363
3.	Annual fee for Vicar-General of the Province of York.	1,107

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

## 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	63

NOTES:

- (a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965(5).  
 (b) The fees set out above are in addition to those set out in Table I.

(3) S.I. 1992/2882.

(4)

1967 No. 3.

(5) S.I. 1965/251.

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	Fee £
	for registrar. 35
2.	<p>Appeal under rule 4. To be paid to registrars by appellant on lodging notice of appeal—</p> <p style="padding-left: 40px;">to registrar of diocese 118</p> <p style="padding-left: 40px;">to registrar of appellate court. 61</p> <p>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.</p>
3.	<p>Petition for Review under rule 9. To be paid to registrar of Court of Ecclesiastical Causes Reserved by petitioner on lodging petition. 118</p>
4.	<p>Interlocutory application under rule 11(2). To be paid to registrar of appellate court on lodging notice of appeal. 15</p>
5.	<p>Appeal under rule 11(6). To be paid to registrar of appellate court by appellant on lodging notice of appeal. 15</p>

## NOTES:

- (a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965(5).  
 (b) The fes set out above are in addition to those set out in Table I.

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**TABLE IV**  
**FEES 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—	
	(a) where the amount allowed does not exceed £1,000	50
	(b) where the amount allowed exceeds 1,000—	
	(i) for the first £1,000	50
	(ii) for every 20 or fraction thereof over £1,000.	0.50

**TABLE V**  
**FEES FOR DUTIES UNDER THE PATRONAGE (BENEFICES) RULES 1987(6)**

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(7)(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 under section 5 of the Ecclesiastical Fees Measure 1986.

Fees payable to the diocesan registrar to be calculated in accordance with the Solicitors Remuneration Order 1972(8) 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.

(6)  
(7) 1986 No. 3.  
(8) S.I. 1972/1139.

S.I. 1987/773.



**TABLE VI**  
**FEES FOR ELECTIONS TO THE GENERAL SYNOD**

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Fees for duties required to be performed as presiding officer at elections to the Lower Houses of the Convocations or to the House of Laity of the General Synod, payable to the diocesan registrar where he acts as presiding officer.	Such fees, or fees calculated on such basis, as may be agreed from time to time between the diocesan registrar and the diocesan board of finance.
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**EXPLANATORY NOTE**

(This Note is not part of the Order)

This Order increases the fees fixed by Table I of the Ecclesiastical Judges and Legal Officers (Fees) Order 1993 (“the 1993 Order”) in relation to faculty and court proceedings, and also the fees in Tables II, III and IV of the 1993 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). In the case of Table VI, it substitutes a provision for the fees to be agreed, or to be on a basis agreed, between the diocesan registrar and the diocesan board of finance. (Table V provides for certain fees to be calculated in accordance with the Solicitors' Remuneration Order 1972, and remains as in the 1993 Order.)

The Order also makes mandatory provision for the prescribed fees to be increased by a sum for reasonable expenses of travel, subsistence, accommodation and the holding of court hearings.

The revised fees and other provisions will come into force on 1st January 1995.