
STATUTORY INSTRUMENTS

1996 No. 3084

ECCLESIASTICAL LAW, ENGLAND

FEEES

The Legal Officers (Annual Fees) Order 1996

<i>Made (Approved by the General Synod)</i>	- -	<i>25th November 1996</i>
<i>Laid before Parliament</i>		<i>10th December 1996</i>
<i>Coming into force</i>	- -	<i>1st January 1997</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 1995(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.

(1) 1986 No. 2; amended by the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(1991 No. 1\)](#), Schedule 6 and the [Church of England \(Miscellaneous Provisions\) Measure 1995 \(1995 No. 2\)](#), section 14.

(2) S.I. 1995/1959.

- (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 shall 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 1996 and shall come into operation on the first day of January 1997.

Dated this 10th day of October 1996

R B Gibson
M J Colman
C A McLintock
G F Tattersall
D J V Wright

Approved by the General Synod the 25th day of November 1996

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 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, 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) Measure 1994;

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' (Non-Contentious Business) Remuneration Order 1994 is payable;

K. Attendance at episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese);

L. 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

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Licensing of Non-Residence, for legalising house of residence

Resignation (other than resignation of an incumbent)

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

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 (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese)

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 1986 Measure”) as required by section 1(1) of the 1986 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 1986 Measure)

Receipt and issue of notices and notification of representations under section 3(3) and (4) of the 1986 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-paragraphs 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' (Non-Contentious Business) Remuneration Order 1994 shall be payable
- (i) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub-paragraphs 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 of intention to depose him from Holy Orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1964 (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) Advice or other work in connection with proceedings against a clerk in Holy Orders under the Ecclesiastical Jurisdiction Measure 1963 in respect of an ecclesiastical offence which have been instituted under that Measure or are under consideration or in connection with an allegation of such an offence which is under investigation with the knowledge and approval of the bishop (excluding advice and other work for which a fee is payable under the Ecclesiastical Judges and Legal Officers (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986). (The fee is payable by the bishop.)
 - (vii) Advice or other work in connection with the revocation by reason of misconduct of a licence granted by the bishop to a Clerk in Holy Orders, deaconess or lay worker or reader to minister in the diocese, or in connection with a revocation of such a licence which is under consideration or with an allegation of misconduct by such a person which might lead to such a revocation and which is under investigation with the knowledge and approval of the bishop. (The fee is payable by the bishop.)

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- (viii) Advice to the diocesan bishop or other work carried out at his request in connection with proceedings or possible future proceedings under the Incumbents (Vacation of Benefices) Measures 1977 and 1993 in a case where notice has been given to the bishop under section 1A (1A) of the Incumbents (Vacation of Benefices) Measure 1977 or the giving of such notice is under consideration. (The fee is payable by the bishop.)
- (ix) 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);
- (x) 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 grounds 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);
- (xi) Removal of the legal effects of consecration under section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;
- (xii) 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 Officers (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986;
- (xiii) 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);
- (xiv) Attendance at and work in connection with any visitation by the Diocesan Bishop of the Cathedral Church of the Diocese and in connection with any action taken or proposed to be taken by the Diocesan Bishop under the Care of Cathedrals (Supplementary Provisions) Measure 1994.

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 1

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS (SUBSTITUTED FOR TABLE I OF THE SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1995)

Diocese	Payable by Diocesan Board of Finance £	Liability of the Diocesan Bishop £	Total £
Bath and Wells	20,547	12,065	32,612
Birmingham	12,717	9,974	22,691
Blackburn	13,960	12,397	26,357
Bradford	8,917	11,765	20,682
Bristol	12,336	9,667	22,003
Canterbury	14,173	11,213	25,386
Carlisle	14,940	10,325	25,265
Chelmsford	22,429	13,109	35,538
Chester	16,402	11,128	27,530
Chichester	18,471	13,562	32,003
Coventry	11,546	11,455	23,001
Derby	13,793	11,296	25,089
Durham	13,925	12,162	26,087
Ely	14,840	11,584	26,424
Exeter	21,289	12,442	33,731
Gloucester	15,640	11,148	26,788
Guildford	11,026	11,557	22,583
Hereford	15,200	11,480	26,680
Leicester	14,489	10,076	24,565
Lichfield	20,163	12,786	32,949
Lincoln	23,776	9,645	33,421
Liverpool	13,468	11,919	25,387
London	21,287	13,822	35,109
Manchester	15,638	13,888	29,526
Newcastle	13,153	9,442	22,595
Norwich	24,469	10,098	34,567
Oxford	30,138	9,849	39,987

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Diocese	Payable by Diocesan Board of Finance £	Liability of the Diocesan Bishop £	Total £
Peterborough	14,954	12,441	27,395
Portsmouth	8,312	12,100	20,412
Ripon	11,649	10,016	21,665
Rochester	13,740	11,162	24,902
St. Albans	16,688	12,217	28,905
St. Edmundsbury & Ipswich	18,439	11,935	30,374
Salisbury	20,194	11,448	31,642
Sheffield	12,528	10,810	23,338
Southwark	16,264	14,355	30,619
Southwell	13,564	11,485	25,049
Truro	13,475	9,930	23,405
Wakefield	12,146	11,502	23,648
Winchester	15,635	12,083	27,718
Worcester	12,317	10,900	23,217
York	20,745	12,798	33,543

TABLE II

FEES PAYABLE TO THE PROVINCIAL REGISTRARS (SUBSTITUTED FOR TABLE II OF THE SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 1995)

Fee £
1. Annual fee for Joint Registrars of the Province of Canterbury 56,190
2. Annual fee for Registrar of the Province of York 19,299

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 1995. It also adds new items to the list of work which is not covered by the annual fee, and for

which a fee calculated accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994 is to be paid; these relate to proceedings and possible future proceedings against a member of the clergy in respect of an ecclesiastical offence under the Ecclesiastical Jurisdiction Measure 1963, revocation or possible future revocation for misconduct of the licence granted to a member of the clergy or other minister to minister in a diocese, and proceedings or possible future proceedings under the Incumbents (Vacation of Benefices) Measures 1977 and 1993.

The Order also fixes new annual fees for the provincial registrars.

The Order will come into force on 1st January 1997.