
STATUTORY INSTRUMENTS

2008 No. 1969

ECCLESIASTICAL LAW, ENGLAND

FEEES

The Legal Officers (Annual Fees) Order 2008

<i>Made (Approved by the General Synod)</i>	- - -	<i>4th July 2008</i>
<i>Laid before Parliament</i>		<i>24th July 2008</i>
<i>Coming into force</i>	- - -	<i>1st January 2009</i>

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(1), in exercise of the powers conferred by section 5 do hereby order as follows:

Citation and commencement

- 1.—(1) This Order may be cited as the Legal Officers (Annual Fees) Order 2008.
- (2) This Order shall come into operation on the first day of January 2009.

Establishment of fees

2. The fees appearing in Schedule 1 to this Order are established. The Tables of that Schedule contain particulars of the annual fees which are to be received, after the commencement of this Order, by—

(1) the legal officers named in Table I of that Schedule in respect of the carrying out by them of the duties of their offices specified in Schedule 2 to this Order; and

(2) by the legal officers named in Part A of Table II of Schedule 1 in respect of the carrying out by them of the duties of their offices except the duties and professional services specified in Part B of Table II as not falling within the scope of the annual fee.

Payment of fees

3. The fees established and set out in the second column of Table I of Schedule 1 to this Order are to be paid by the diocesan board of finance. The fees established and set out in the third column of

(1) 1986 No. 2; amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1), Schedule 6, the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No. 2), section 14, the Care of Places of Worship Measure 1999 (1999 No. 2), Schedule 2 and the Church of England (Miscellaneous Provisions) Measure 2000 (2000 No. 1), section 16.

the said Table I and in Table II of that Schedule are the liability of the diocesan bishop or archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.

Revocation of 2007 Order

4. The Legal Officers (Annual Fees) Order 2007(2) is hereby revoked.

Duties of the diocesan registrar

5. The diocesan registrar shall perform the duties and provide the professional services specified in Schedule 2 to this Order in consideration of the annual fee set out in Table I of Schedule 1 to this Order for his or her diocese and shall not be entitled to receive any other remuneration for such duties or services save as provided by this Order.

Supplementary annual fee

6.—(1) 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 of Schedule 1 to this Order.

(2) An agreement made under sub-paragraph (1) above shall be expressed to be an agreement for a payment by way of supplementary annual fee.

(3) An agreement made under sub-paragraph (1) 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.

(4) The body responsible for paying a supplementary annual fee shall be the diocesan board of finance.

Travel, subsistence and accommodation

7. A fee specified in Schedule 1 to this Order shall be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

Value Added Tax

8. 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 Schedule 2 to this Order) there shall be payable in addition to that fee the amount of Value Added Tax.

*A Rutherford
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Church House, London

David Williams
Clerk to the Synod

Approved by the General Synod on

4th July 2008

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SCHEDULE 1

FEES ESTABLISHED BY THIS ORDER

TABLE I

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS
(SUBSTITUTED FOR TABLE I OF SCHEDULE 1 TO
THE LEGAL OFFICERS (ANNUAL FEES) ORDER 2007)

<i>Diocese</i>	<i>Payable by Diocesan Board of Finance</i>	<i>Liability of the Diocesan Bishop</i>	<i>Tota</i>
	£	£	£
Bath and Wells	34,758	20,411	55,169
Birmingham	21,459	16,832	38,291
Blackburn	23,012	20,437	43,449
Bradford	15,045	19,847	34,892
Bristol	21,034	16,484	37,518
Canterbury	23,986	18,847	42,833
Carlisle	25,087	17,338	42,425
Chelmsford	38,397	22,440	60,837
Chester	28,112	19,072	47,184
Chichester	31,251	22,943	54,194
Coventry	19,673	19,519	39,192
Derby	23,384	19,151	42,535
Durham	22,735	19,857	42,592
Ely	24,943	19,470	44,413
Exeter	35,641	20,830	56,471
Gloucester	26,180	18,662	44,842
Guildford	18,884	19,794	38,678
Hereford	25,750	19,448	45,198
Leicester	24,249	16,863	41,112
Lichfield	34,000	21,560	55,560
Lincoln	39,571	16,053	55,624
Liverpool	22,573	19,976	42,549
London	36,777	23,882	60,659
Manchester	25,476	22,624	48,099
Newcastle	22,247	15,971	38,218

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<i>Diocese</i>	<i>Payable by Diocesan Board of Finance</i>	<i>Liability of the Diocesan Bishop</i>	<i>Tota</i>
	<i>£</i>	<i>£</i>	<i>£</i>
Norwich	41,474	17,117	58,591
Oxford	50,798	16,600	67,398
Peterborough	25,685	21,370	47,055
Portsmouth	14,615	21,276	35,891
Ripon and Leeds	20,288	17,444	37,732
Rochester	23,711	19,262	42,973
St Albans	28,931	21,178	50,109
St Edmundsbury and Ipswich	31,294	20,255	51,549
Salisbury	34,611	19,621	54,232
Sheffield	21,083	18,192	39,275
Southwark	27,461	24,238	51,699
Southwell and Nottingham	23,110	19,566	42,676
Truro	22,854	16,840	39,694
Wakefield	20,273	19,196	39,469
Winchester	26,622	20,573	47,195
Worcester	20,073	18,627	38,700
York	34,100	21,037	55,137

TABLE II

FEEs PAYABLE TO PROVINCIAL REGISTRARS

PART A

FEEs PAYABLE TO THE PROVINCIAL REGISTRARS (SUBSTITUTED FOR TABLE II, PART A, OF SCHEDULE 1 TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 2007)

	<i>Fee</i>
	<i>£</i>
1. Annual fee for Joint Registrars of the Province of Canterbury	119,580
2. Annual fee for Registrar of the Province of York	58,930

PART B

DUTIES AND PROFESSIONAL SERVICES NOT FALLING WITHIN THE SCOPE OF THE ANNUAL FEE

Duties and professional services in connection with the following matters shall not fall within the scope of the annual fee payable to Provincial Registrars:

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Advice or other work in connection with disciplinary proceedings against a clerk in Holy Orders which have been instituted under section 10 of the Clergy Discipline Measure 2003⁽³⁾ or in respect of any disciplinary matters arising under or in relation to that Measure including under sections 30 and 31.

(In respect of such advice, a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994⁽⁴⁾ shall be payable by the bishop (except in relation to advice and other work for which a fee is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986).)

SCHEDULE 2

THE SCOPE OF THE ANNUAL FEE

Professional services to be provided by the diocesan registrar

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 or her under this Order shall include—

(1) 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;

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

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

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

(5) Maintaining 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 (1) and (6) hereof;

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

(7) Giving 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;

(8) Giving 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;

(9) Giving advice to persons considering or proposing to make an application for a legal aid certificate for financial assistance from the Legal Aid Fund maintained under section 1 of the Church of England (Legal Aid) Measure 1994⁽⁵⁾;

(10) 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

(3) 2003 No. 3.

(4) S.I. 1994/2616.

(5) 1994 No. 3; amended by the Clergy Discipline Measure 2003.

Order provides that a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994 is payable;

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

(12) Drafting and preparing, approving, engrossing and registering all notices, licences, consents, permissions, instruments and other documents required by law or customarily used in connection with the following matters—

- (a) Ordination
- (b) Certification of Ordination
- (c) Presentation to a Benefice
- (d) Commission for Institution or Collation
- (e) Admission to Freehold Office
- (f) Certification of Institution or Collation
- (g) Licensing of Non-Residence, for legalising house of residence
- (h) Resignation (other than resignation of an incumbent)
- (i) Under the Pastoral Measure 1983(6)—
 - (i) Admission to office of rector for a term of years
 - (ii) Licensing of a vicar in a team ministry or extending a term of years of a rector or vicar in a team ministry
 - (iii) Designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949(7) and other purposes
- (j) Licensing of Clerks in Holy Orders and Deaconesses
- (k) Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Measure 1978(8) and the Church of England (Miscellaneous Provisions) Measure 1983(9)
- (l) Episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese)
- (m) Matters relating to sequestrations
- (n) Provision of agreements to form a Conventional District
- (o) Consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963(10)
- (p) Licensing of unconsecrated church or place of worship (including temporary licences)
- (q) Ordering of a Licensed Chapel to come under Faculty Jurisdiction;

(13) Acting in relation to the following matters on the instructions of the Diocesan Bishop, Suffragan Bishops or Archdeacons or on the instructions of a diocesan board or council whose business properly includes such matters—

- (a) Consecration of a Church and Burial Ground or a Church without a Burial Ground
- (b) Consecration of a Cemetery or Burial Ground
- (c) Preparation and Registration of documents required under the Consecration of Churchyards Act 1867(11) for the consecration of additions to churchyards

(6) 1983 No. 1.

(7) 1949 c.76.

(8) 1978 No. 1.

(9) 1983 No. 2.

(10) 1963 No. 1.

(11) 1867 c.133.

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- (d) Licensing of a Building for Marriages
- (e) Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930⁽¹²⁾ (in relation to a guild church in the City of London);
- (14) Work in connection with the following matters—
 - (a) Maintaining the register of patrons (“the register”) under Part I of the Patronage (Benefices) Measure 1986⁽¹³⁾ (“the 1986 Measure”) as required by section 1(1) of the 1986 Measure
 - (b) 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 (13) or by the designated officer (within the meaning of section 7(5) of the 1986 Measure)
 - (c) Receipt and issue of notices and notification of representations under section 3(3) and (4) of the 1986 Measure.

Restrictions on the provisions of paragraph 1

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

(1) Where the Registrar receives a request for advice on any matter properly falling within paragraph 1 sub-paragraphs (1), (5), (6), (7) and (8)—

- (a) The Registrar shall not be required to correspond with a third party involved in the enquiry
- (b) Before giving advice the Registrar shall first consider whether the matter on which his or her 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 the Registrar
- (c) If a legal dispute arises between parties who are both church officers the Registrar may decline to advise either party, but he or she shall be at liberty to advise both parties with a view to helping them to resolve their dispute if in his or her judgement it is desirable to do so;

(2) 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. (The Registrar 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 or she shall be entitled to be separately remunerated for this work.)

Advice or assistance given to the Diocesan Bishop, Suffragan Bishops or Archdeacons

3. The provisions of paragraph 2(1) 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.

Work not falling within the scope of the annual fee

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—

(1) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub-paragraphs (12) and (13) hereof;

⁽¹²⁾ 1930 No. 8.

⁽¹³⁾ 1986 No. 3.

(2) Matters relating to individual diocesan, parochial or educational trusts or to individual pieces of diocesan glebe property;

(3) Litigation;

(4) Acting as secretary to the Vacancy in See Committee constituted under the Vacancy in See Committees Regulation 1993 (as amended) on a vacancy in the see of the Diocesan Bishopric;

(5) Deposition or deprivation consequent upon proceedings in secular courts, including the following—

(a) Service of notice on a priest or deacon of intention to depose him or her from Holy Orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1964⁽¹⁴⁾ (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);

(6) 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, Legal Officers and Others (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.)

(7) Advice or other work in connection with disciplinary proceedings against a clerk in Holy Orders which have been instituted under section 10 of the Clergy Discipline Measure 2003 or in respect of any disciplinary matters arising under or in relation to that Measure including under sections 30 and 31. (The fee is payable by the bishop.)

(8) Advice or other work in connection with the revocation by reason of misconduct of a licence granted by the bishop to a 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.)

(9) 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⁽¹⁵⁾ 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.)

(10) 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);

(11) 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—

(a) Consecration or licensing of a public cemetery, a private burial ground or a private chapel

(b) Licensing the chapel of an extra-parochial place for a marriage of persons living or residing in that place

(c) 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);

⁽¹⁴⁾ S.I. 1964/1755.

⁽¹⁵⁾ 1977 No. 1 and 1993 No. 1.

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(12) Removal of the legal effects of consecration under section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

(13) 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' (Non-Contentious Business) Remuneration Order 1994 is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986;

(14) 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—

- (a) Installation to a Deanery
- (b) Installation to a Canonry or Prebend (whether Residentiary or Honorary) or to an Archdeaconry
- (c) Admission to a Minor Canonry

(These fees are payable out of Cathedral Revenues);

(15) 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⁽¹⁶⁾.

Disbursements

5. If any disbursements other than expenses specified in paragraph 7 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies an increase of 4.038% (a weighted inflationary formula of 25% RPI and 75% AEI (4.3% and 3.95% respectively in 2007)) to the total of the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 2007. The increased total is then apportioned as to each registrar's individual fee according to a formula based on the number of parishes and stipendiary clergy in each diocese.

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

The Order provides that duties and professional services undertaken by registrars and provincial registrars in connection with the Clergy Discipline Measure 2003 shall not fall within the scope of this annual fee but will be calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994.

The Order will have effect from 1st January 2009.

⁽¹⁶⁾ 1994 No. 2.

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