



Ecclesiastical Fees Measure 1986

1986 No. 2

Commencement Information

II Measure not in force at Royal Assent see [s. 12\(3\)](#); Measure wholly in force at 01.09.1986

PART I

Parochial Fees

[^{F1}1] **Preparation of Parochial Fees Order**

- (1) The Archbishops' Council may prepare a draft of an order (to be known as a “Parochial Fees Order”) which prescribes, subject to subsection (8), the amount of the parochial fees payable to a parochial church council or to a diocesan board of finance or to both in respect of the matters set out in Schedule A1 where those matters relate to duties carried out by a clerk in holy orders or by a duly licensed deaconess, reader or lay worker.
- (2) A draft order prepared under subsection (1) may prescribe that no fee shall be payable in respect of any matter that may be specified.
- (3) A draft order prepared under subsection (1) may contain such incidental matters as the Archbishops' Council shall consider necessary or desirable, which may include provision specifying costs and expenses which are to be included in the prescribed fee in respect of any specified matter.
- (4) Subject to subsection (5), a draft order prepared under subsection (1) may prescribe fees for a period or periods, not exceeding, in total, a period of 5 years and any increase in fees may be prescribed by specifying that increase or by means of an arithmetical formula or a formula related to a published index of price or earnings increases which is of general application or by means of a combination of both such formulas.
- (5) If, before the expiry of the period for which fees have been prescribed by a Parochial Fees Order, the Archbishops' Council has not made a further order, or has made a

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further order which has been annulled in pursuance of a resolution of either House of Parliament, the fees prescribed by the Parochial Fees Order shall continue in force until a further order comes into force.

- (6) The Archbishops' Council may prepare a draft of an order to amend Schedule A1 by altering, omitting or adding to any of the matters set out, including any note in Part 2 (referred to in this Measure as a “Scheduled Matters Amending Order”).
- (7) In this section—
- “parochial church council” means—
- (a) where the fee relates to a burial or funeral service taking place in a church or churchyard, the council of the parish where the church or churchyard is situated,
 - (b) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, the council of the parish on whose electoral roll the deceased was entered, provided that where the deceased was entered on the electoral roll of more than one parish, the fee shall be shared equally between each of the councils of those parishes,
 - (c) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard and the deceased was not entered on any electoral roll, the council of the parish where the deceased had his or her usual place of residence, and
 - (d) in any other case, the council of the parish where the service or other event to which the fee relates takes place;
- “diocesan board of finance” means—
- (a) where the fee relates to a burial or funeral service which takes place in a church or churchyard, the diocesan board of finance of the diocese in which the church or churchyard is situated,
 - (b) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, the diocesan board of finance of the diocese within which the deceased was a parishioner, provided that, where the deceased was a parishioner in more than one diocese, the fee shall be shared equally between each of the diocesan boards of finance, and, for this purpose, the parish in question shall be construed in accordance with paragraphs (b) and (c) of the definition of “parochial church council” and “parishioner” shall have effect accordingly, and
 - (c) in any other case, the diocesan board of finance of the diocese where the service or other event to which the fee relates takes place.
- (8) Where the relevant parish is a parish of which a cathedral is the parish church any fees which would, apart from this subsection, be payable to the parochial church council or to the diocesan board of finance, shall, instead, be payable to the corporate body of the cathedral.
- (9) The incumbent or priest in charge of the benefice or, where there is no such person, the rural dean of the deanery, in which the relevant parish or the place where the service or other event takes place is situated, may waive any fee payable to the Diocesan Board of Finance, in a particular case.
- (10) The incumbent or priest in charge of the benefice or, where there is no such person, the rural dean of the deanery, in which the relevant parish or the place where the service or other event takes place is situated, may, after consulting the churchwardens

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of that parish, waive any fee payable to the parochial church council of that parish, in a particular case.

- (11) Any fee payable to the corporate body of a cathedral under subsection (8) may be waived on behalf of that body by the Chapter of the cathedral.
- (12) This section applies in relation to fees payable under section 5 of the Burial Laws Amendment Act 1880 (43 & 44 Vict. c. 41) as it applies to the fees mentioned in subsection (1).
- (13) This section shall have effect notwithstanding section 12 of the Cremation Act 1902 (2 Edw. 7 c. 8).
- (14) Subsection (1) shall apply in relation to banns of matrimony published by a layman under section 9(2) of the Marriage Act 1949 (12, 13 & 14 Geo. 6 c. 76) as it applies in relation to banns of matrimony published by a clerk in holy orders.
- (15) Subsection (1) shall apply in relation to searches allowed to be made in a register book of baptisms or burials and to the giving of certified copies of entries in such a book by a churchwarden under section 20(1) of the Parochial Registers and Records Measure 1978 (1978 No. 2) as it applies in relation to searches allowed and copies of entries given by an incumbent or priest in charge.]

Textual Amendments

- F1** S. 1 substituted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), ss. 1\(1\), 6\(2\)](#) (with s. 5(3)); 2011 No. 1, art. 2

2 Procedure for making Parochial Fees Orders.

- (1) Every draft Parochial Fees Order [^{F2}or Scheduled Matters Amending Order] shall be laid before the General Synod and if it is approved by the General Synod, whether with or without amendment, the draft order as so approved shall be referred to the [^{F3}Archbishops' Council].
- (2) Where a draft order is referred to the [^{F3}Archbishops' Council.] under subsection (1) above then—
 - (a) if it has been approved by the General Synod without amendment, the [^{F3}Archbishops' Council.] shall, by applying their seal, make the order;
 - (b) if it has been approved by the General Synod with amendment, the [^{F3}Archbishops' Council.] may either—
 - (i) by applying their seal make the order as so amended, or
 - (ii) withdraw the draft order for further consideration in view of any amendment made by the General Synod;and a Parochial Fees Order [^{F2}or Scheduled Matters Amending Order] shall not come into force until it has been sealed by the [^{F3}Archbishops' Council].
- (3) Where the Standing Committee of the General Synod determines that a draft Parochial Fees Order [^{F2}or Scheduled Matters Amending Order] does not need to be debated by the General Synod, then, unless—
 - (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the draft order to be debated, or

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- (b) notice is so given by any such member that he wishes to move an amendment to the draft order ^{F4} . . . ,
- the draft order shall for the purposes of subsections (1) and (2) above be deemed to have been approved by the General Synod without amendment.
- (4) The ^{M1}Statutory Instruments Act 1946 shall apply to a Parochial Fees Order [^{F2}or Scheduled Matters Amending Order] sealed by the [^{F3}Archbishops' Council.] under subsection (2) above as if it were a statutory instrument and were made when sealed by the Commissioners and as if this Measure were an Act providing that any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F2** Words in s. 2(1)(2)(3)(4) inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 2, 6(2)** (with s. 5(3)); 2011 No. 1, art. 2
- F3** Words in s. 2 substituted (1.1.1999) by [S.I. 1998/1715](#), arts. 1(2)(4), 4(4), **Sch. 2 para. 2(1)**; [Instrument dated 14.10.1998 made by Archbishops of Canterbury and York](#)
- F4** Words in s. 2(3)(b) omitted (1.9.1995) by virtue of [1995 No. 2, s. 14](#); [Instrument dated 26.7.1995 made by Archbishops of Canterbury and York](#)

Modifications etc. (not altering text)

- C1** S. 2: Functions of the Church Commissioners transferred (1.1.1999) to Archbishops' Council [S.I. 1998/1715](#), **arts. 1(2)(4), 3**; [Instrument dated 14.10.1998 made by Archbishops of Canterbury and York](#)
- C2** S. 2(3): Functions of Standing Committee transferred (1.1.1999) to Business Committee by [S.I. 1998/1715](#), arts. 1(2)(4), 2, **Sch. 1**; [Instrument dated 14.10.1998 made by Archbishops of Canterbury and York](#)

Marginal Citations

- M1** 1946 c. 36.

^{F53} Provisions as to persons to whom parochial fees are to be paid.

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Textual Amendments

- F5** S. 3 repealed (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(a), 6(2)**; 2011 No. 1, art. 2

PART II

Ecclesiastical Judges' and Legal Officers' Fees

[^{F64} Constitution of Fees Advisory Commission

- (1) There shall be a Fees Advisory Commission, which shall be constituted as follows—

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- (a) one member shall be a member of the House of Bishops of the General Synod nominated by that House;
 - (b) one member shall be a Church Commissioner or an officer of the Church Commissioners nominated by them;
 - (c) one member shall be the chairman of a diocesan board of finance nominated by representatives of dioceses;
 - (d) one member shall be a registrar of a diocese nominated by the Ecclesiastical Law Association;
 - (e) one member shall be a chancellor of a diocese nominated by the Ecclesiastical Judges Association;
 - (f) one member shall be the registrar of the province of Canterbury or the province of York nominated by the two registrars acting jointly;
 - (g) three members shall be appointed by the Appointments Committee of the Church of England who are not eligible for nomination under any of paragraphs (a) to (f), of whom at least one but not more than two must be members of the House of Clergy or the House of Laity of the General Synod.
- (2) In the event of a disagreement between the registrars of the provinces of Canterbury and York as to the nomination of a member under subsection (1)(f), the first such nomination after the coming into force of section 3 of the Ecclesiastical Fees (Amendment) Measure 2011 shall be decided by drawing lots and, thereafter, the registrars shall serve for alternate terms of office.
- (3) As soon as practicable after each ordinary election of the General Synod new members of the Commission shall be nominated or appointed and shall hold office until, after the next such ordinary election, a new member is nominated or appointed to replace that member.
- (4) In subsection (1)(c) “representatives of dioceses” means persons, being officers or members of a diocesan board of finance or members of the House of Clergy or the House of Laity of the General Synod elected for a diocese, chosen under arrangements approved by the Archbishops of Canterbury and York acting jointly to represent dioceses in consultations on financial matters.
- (5) The members of the Commission shall be eligible for renomination or reappointment.
- (6) If any member dies or resigns his or her office the relevant body responsible for appointing or nominating that member shall, as soon as practicable, appoint or nominate a member to fill the vacancy and a person so appointed or nominated shall hold office only for the unexpired portion of the term of office of the person in whose place that person was appointed or nominated and shall be eligible for reappointment or renomination.
- (7) There shall be a member known as the Chair of the Commission, who shall be chosen by the Commission from among the members appointed under subsection (1)(g).
- (8) The quorum of the Commission shall be three members, of whom one member shall be a member nominated under subsection (1)(a), (b) or (c), one member shall be a member nominated under subsection (1)(d), (e) or (f) and one member shall be a member appointed under subsection (1)(g).
- (9) Subject to subsection (8), the Commission may act notwithstanding any vacancy in its membership.

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- (10) Subject to subsection (8), the Commission shall have power to regulate its own procedure.]

Textual Amendments

- F6** S. 4 substituted (1.10.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), ss. 3\(a\), 6\(2\)](#) (with s. 5(1)(2)); 2011 No. 3, art. 2

5 Legal Officers (Annual Fees) Orders.

- [^{F7}(1) The Fees Advisory Commission shall inform itself of the duties of the offices of ecclesiastical judges and legal officers and may make recommendations as to the annual fees to be paid to them in respect of such of those duties as are specified by the Commission, and the Commission may make an order to give effect to its recommendations.]
- (2) Any order made under subsection (1) above may contain such incidental provisions as the Fees Advisory Commission considers necessary or desirable [^{F8}, including provision for payments in respect of reasonable expenses incurred by ecclesiastical judges and legal officers on travel, subsistence, accommodation and the holding of court hearings].
- (3) Any order made under subsection (1) above shall be laid before the General Synod and shall not come into force until it has been approved by the General Synod.
- (4) Where the Standing Committee of the General Synod determines that [^{F9}an order made under subsection (1) above] does not need to be debated by the General Synod, then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the order to be debated, the order shall for the purposes of subsection (3) above be deemed to have been approved by the General Synod.
- (5) The ^{M2}Statutory Instruments Act 1946 shall apply to [^{F9}an order made under subsection (1) above] approved by the General Synod as if it were a statutory instrument and were made when so approved and as if this Measure were an Act providing that any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Subordinate Legislation Made

- P1** S. 5: power conferred by s. 5 exercised by [S.I. 1991/1757](#)

Textual Amendments

- F7** S. 5(1) substituted (1.10.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), ss. 3\(b\), 6\(2\)](#) (with s. 5(1)(2)); 2011 No. 3, art. 2
- F8** Words in s. 5(2) inserted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\), s. 10, Sch. 6 para. 2\(b\)](#) (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.
- F9** Words in s. 5(4) and (5) substituted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\), s. 10, Sch. 6 para. 2\(c\)](#) (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.

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Modifications etc. (not altering text)

- C3** S. 5 modified (retrospectively) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), **ss. 8(6)**, 17(2)(b)
- C4** S. 5(4): functions of Standing Committee transferred (1.1.1999) to Business Committee by [S.I. 1998/1715](#), arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#)

Marginal Citations

- M2** 1946. c. 36.

6 Ecclesiastical Judges and Legal Officers (Fees) Orders.

- (1) The Fees Advisory Commission may make recommendations as to the fees to be paid in respect of such duties performed by ecclesiastical judges and legal officers as are specified by the Commission [^{F10}to such persons as are so specified, and the Commission may make an order to give effect to their recommendations].

[^{F11}(1A) The Fees Advisory Commission may also make recommendations as to the fees to be paid in respect of such functions performed by Diocesan Advisory Committees and archdeacons in connection with proceedings or proposed proceedings to which this subsection applies as are specified by the Commission to such persons as are so specified, and an order made under subsection (1) above may give effect to those recommendations.

This subsection applies to proceedings for obtaining a faculty in respect of any building (including any monument, curtilage, object or structure belonging to it) which is subject to the faculty jurisdiction of a consistory court by virtue of section 3 of the Care of Places of Worship Measure 1999, not being a building which is subject to a sharing agreement made on behalf of the Church of England in pursuance of the Sharing of Church Buildings Act 1969.]

- (2) Any order made under subsection (1) above may contain such incidental provisions as the Fees Advisory Commission considers necessary or desirable [^{F12}, including provision for payments to be made in respect of reasonable expenses incurred by ecclesiastical judges and legal officers on travel, subsistence, accommodation and the holding of court hearings].
- (3) Any order made under subsection (1) above shall be laid before the General Synod and shall not come into force until it has been approved by the General Synod, whether with or without amendment.
- (4) Where the Standing Committee of the General Synod determines that an [^{F13}order made under subsection (1) above] does not need to be debated by the General Synod, then, unless—
- notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the order to be debated, or
 - notice is so given by any such member that he wishes to move an amendment to the order [^{F14} . . . ,

the order shall for the purposes of subsection (3) above be deemed to have been approved by the General Synod without amendment.

- (5) The ^{M3}Statutory Instruments Act 1946 shall apply to an [^{F13}order made under subsection (1) above] approved by the General Synod as if it were a statutory

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instrument and were made when so approved and as if this Measure were an Act providing that any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Subordinate Legislation Made

- P2** S. 6: power conferred by s. 6 exercised by S.I. 1991/1756
S. 6: for previous exercises of power see Index to the Government Orders

Textual Amendments

- F10** Words in s. 6(1) substituted (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1), s. 10, **Sch. 6 para. 3(a)** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.
- F11** S. 6(1A) inserted (1.7.2001) by 1999 Measure No. 2, s. 4, Sch. 2 paras. 1, 2; Instrument dated 21.6.2001 made by the Archbishops of Canterbury and York
- F12** Words in s. 6(2) inserted (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1), s. 10, **Sch. 6 para. 3(b)** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.
- F13** Words in s. 6(4)(5) substituted (*prosp.*) by 1999 No. 1, s. 4, Sch. 2 paras. 1, 3
- F14** Words in s. 6(4)(b) omitted (1.9.1995) by virtue of 1995 No. 2, s. 14; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York

Modifications etc. (not altering text)

- C5** S. 6(4): Functions of Standing Committee transferred (1.1.1999) to Business Committee by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

Marginal Citations

- M3** 1946. c. 36.

PART III

Miscellaneous and General

7 Recovery of fees.

Any fee payable by virtue of any order made under this Measure shall be recoverable as a debt.

8 Reimbursement of archbishops or bishops.

Where an archbishop or bishop has paid any sum by virtue of any order made or deemed to be made under this Measure and the liability to pay that sum was imposed on him as archbishop or bishop, the Church Commissioners shall reimburse that sum to the archbishop or bishop.

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9 Private, local and personal Acts which are inconsistent with Parochial Fees Orders.

Schedule 1 to this Measure which relates to private, local and personal Acts which are inconsistent with a Parochial Fees Order shall have effect.

10 Interpretation.

In this Measure the following expressions have the meanings hereby respectively assigned to them—

[^{F15}“church” means a parish church, a place licensed for public worship by the bishop under section 29(1) or a building designated as a parish centre of worship by the bishop under section 29(2) of the Pastoral Measure 1983 (1983 No. 1) and, in relation to marriage only, a public chapel licensed for the solemnization of marriages under section 20 of the Marriage Act 1949 or an authorised chapel within the meaning of section 78(1)(a) of that Act, provided that the marriage takes place in accordance with the licence or as mentioned in section 78(1)(a), as the case may be, but does not include any church or chapel in or belonging to any extra-parochial place which is licensed by the bishop under section 21 of that Act and “churchyard” shall be construed accordingly;

“churchyard” includes the curtilage of a church and a burial ground of a church, whether or not immediately adjoining a church;]

“ecclesiastical judges” means the Dean of the Court of Arches and the Auditor of the Chancery Court of York, the Vicars General of the provinces of Canterbury and York, the Commissary General [^{F16}, the president and deputy president of tribunals for the purposes of the Clergy Discipline Measure 2003] and Diocesan Chancellors [^{F17}, and the deputies of any of them];

“legal officers” means the provincial registrars, [^{F18}the registrar of tribunals for the purposes of the Clergy Discipline Measure 2003,] diocesan registrars, bishops’ legal secretaries and chapter clerks [^{F19}, and the deputy provincial and diocesan registrars];

^{F20}
...

[^{F21}“parochial fees” means any fees prescribed in respect of any of the matters set out in Schedule A1.]

Textual Amendments

- F15** Definitions of “church” and “churchyard” in s. 10 inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(b)(i)**, 6(2); 2011 No. 1, art. 2
- F16** Words in s. 10 inserted (1.6.2005) by [Clergy Discipline Measure 2003 \(No. 3\)](#), **ss. 44(4)(a)**, 48(2) (with s. 47); 2005 No. 1, Instrument made by Archbishops
- F17** Words in s. 10 inserted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\)](#), s. 10, **Sch. 6 para. 4(a)** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.
- F18** Words in s. 10 inserted (1.6.2005) by [Clergy Discipline Measure 2003 \(No. 3\)](#), **ss. 44(4)(b)**, 48(2) (with s. 47); 2005 No. 1, Instrument made by Archbishops
- F19** Words in s. 10 inserted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\)](#), s. 10, **Sch. 6 para. 4(b)** (with s. 31(6)); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.
- F20** Definition of “parish” in s. 10 omitted (1.7.2011) by virtue of [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(b)(ii)**, 6(2); 2011 No. 1, art. 2

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F21 Definition of “parochial fees” in s. 10 substituted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(b)(iii)**, 6(2); 2011 No. 1, art. 2

11 Repeals, consequential amendments and transitional provisions.

- (1) The ^{M4}Ecclesiastical Fees Measure 1962 is hereby repealed.
- (2) In section 63 of the ^{M5}Ecclesiastical Jurisdiction Measure 1963 for the words from “Ecclesiastical Fees” to the end of the section there shall be substituted the words “Ecclesiastical Fees Measure 1986” and in section 6(3) of the ^{M6}Faculty Jurisdiction Measure 1964 for the words “Ecclesiastical Fees Measure 1962” there shall be substituted the words “Ecclesiastical Fees Measure 1986”.
- (3) The transitional provisions in Schedule 2 to this Measure shall have effect.

Marginal Citations

- M4** 1962 No. 1.
M5 1963 No. 1.
M6 1964 No. 5.

12 Short title, extent and commencement.

- (1) This Measure may be cited as the Ecclesiastical Fees Measure 1986.
- (2) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, as defined by the ^{M7}Channel Islands (Church Legislation) Measures 1931 ^{M8} and 1957, or either of them, in accordance with the provisions of those measures and may be extended to the Isle of Man by or under Act of Tynwald.
- (3) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be so appointed for different provisions.

Modifications etc. (not altering text)

- C6** Power of appointment conferred by s. 12(3) fully exercised: 1.9.1986 appointed by Instrument dated 24.7.1986

Marginal Citations

- M7** 1931 No. 4.
M8 1957 No. 1.

Status:

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Changes to legislation:

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