

Status: Point in time view as at 01/01/2013.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Fees Measure 1986. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PRIVATE, LOCAL AND PERSONAL ACTS WHICH ARE INCONSISTENT WITH PAROCHIAL FEES ORDERS

- 1 Where a Parochial Fees Order is inconsistent with a private, local or personal Act which affects a parish, the parochial church council or, if there is no parochial church council, the incumbent or minister may apply to the Church Commissioners requesting them to prepare an order providing for the amendment or repeal of that Act in order to permit the Parochial Fees Order to apply to the parish; and, on receiving such an application, the Church Commissioners may prepare a draft order accordingly.
- 2 Where the Church Commissioners prepare a draft order under paragraph 1 above, they shall—
 - (a) send a copy of that order to the bishop of the diocese in which the parish is situated, the parochial church council (if any) and the incumbent or minister of the parish, and any person whose power of fixing fees or whose right to receive fees is affected by the order, together with a notice that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date of the sending of the notice) as may be specified in the notice; and
 - (b) cause a copy of the order to be posted for a period of not less than one month on or near the principal door of the church of the parish, or at least one of such churches if there be more than one, together with a notice that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date when the copy of the order was first posted), as may be specified in the notice; and
 - (c) publish an advertisement in at least one local newspaper circulating in the parish stating the purport of the draft order and at what place in the parish it may be inspected (which may be on or near the church door mentioned in sub-paragraph (b) above or such other place as the Church Commissioners may decide) and that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date when the advertisement was published) as may be specified in the advertisement.
- 3 The Church Commissioners shall consider all representations made to them under paragraph 2 above and may make such amendments in the order as they think fit.
- 4 When the periods during which representations may be made under paragraph 2 above have all expired and the Church Commissioners have considered all representations made to them, they may, by applying their seal, make the order or, as the case may be, the order as amended under paragraph 3 above.
- 5 The ^{M1}Statutory Instruments Act 1946 shall apply to an order sealed by the Church Commissioners under paragraph 4 above as if it were a statutory instrument and

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were made when sealed by the Commissioners and as if this Measure were an Act providing that the order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M1 1946 c. 36.

- 6 The Church Commissioners shall send copies of any order made under this Schedule to every person or body specified in subparagraph 2(a) above and shall publish in the London Gazette a notice stating they have made the order and specifying a place where copies of the order may be obtained.

[^{F1}SCHEDULE A1

Textual Amendments

F1 Sch. A1 inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), ss. 1(2), 6(2), [Sch. 1](#) (with s. 5(3)); 2011 No. 1, art. 2

PART 1

TABLE OF MATTERS TO WHICH PAROCHIAL FEES RELATE

BAPTISMS

Certificate issued at time of baptism

Short certificate of baptism given under Section 2 of the Baptismal Registers Measure 1961 (9 & 10 Eliz. 2 No. 2))

MARRIAGES

Publication of banns of marriage

Certificate of banns issued at time of publication

Marriage service in church

F2
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F2
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FUNERALS AND BURIALS OF PERSONS AGED 16 YEARS OR MORE

A. Service in church

Funeral service in church, whether taking place before or after burial or cremation

Burial in churchyard immediately preceding or following on from service in church

Burial in cemetery immediately preceding or following on from service in church

Cremation immediately preceding or following on from service in church

Burial of body in churchyard on separate occasion

Burial of cremated remains in churchyard or other lawful disposal of remains on separate occasion

Burial in cemetery on separate occasion

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B. No service in church

Service at graveside

Service in crematorium or cemetery

Burial of body in churchyard

Burial of cremated remains in churchyard or other lawful disposal of remains

C. Certificate issued at time of burial

MONUMENTS IN CHURCHYARDS

Permitted in accordance with rules, regulations or directions made by the Chancellor including those relating to a particular churchyard or part of a churchyard (but excluding a monument authorised by a particular faculty) including inscription on existing monument

SEARCHES IN CHURCH REGISTERS ETC

Searching registers of marriages for period before 1st July 1837—

(for up to 1 hour)

(for each subsequent hour or part of an hour)

Searching registers of baptisms or burials (including provision of one copy of any entry)

(for up to 1 hour)

(for each subsequent hour or part of an hour)

Each additional copy of an entry in a register of baptisms or burials

Inspection of instrument of apportionment or agreement for exchange of land for tithes deposited under the Tithe Act 1836 (6 & 7 Will. 4 c. 71)

Furnishing copies of above (for every 72 words)

Textual Amendments

F2 Words in Sch. A1 Pt. 1 omitted (1.1.2013) by virtue of [The Parochial Fees and Scheduled Matters Amending Order 2012 \(S.I. 2012/993\)](#), arts. 1(2), 2

PART 2

EXPLANATORY NOTES ON PART 1

Burial on a separate occasion

- 1 In relation to the fee for a burial in a churchyard, “ on separate occasion ” means on any occasion other than immediately preceding or following on from a service in church and “ immediately preceding ” includes the day before the day on which the service, burial or cremation takes place and “ following on ” includes the day after the service, burial or cremation takes place.

Burial of infant

- 2 No fee is payable in respect of the funeral or burial of a still-born infant, or for the funeral or burial of a child dying before attaining the age of 16 years.

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Burial of cremated remains in churches or closed churchyards

- 3 Where cremated remains are buried in or under a church or in a closed churchyard, the fees payable to the parochial church council and the diocesan board of finance or either of them are—
- (a) where burial is authorised by a general faculty, the fee prescribed for burial in a churchyard;
 - (b) where burial is authorised by a particular faculty, such sums as may be determined by the Chancellor, who shall specify the person or persons entitled to receive them.

Monuments in churchyards

- 4 Different fees may be prescribed for different types of monument and a separate fee may be prescribed for inscription on a monument.

Where a monument in a churchyard is erected or an additional inscription on a monument is made under the authority of a particular faculty, the fees payable to the parochial church council and the diocesan board of finance or either of them shall be such sums as may be determined by the Chancellor who shall specify the person or persons entitled to receive them.

Searches in Church Registers, etc.

- 5 The search fee relates to a ‘particular search’ where the approximate date of the baptism, marriage or burial is known. The fee for a more general search of a church register is negotiable with the parochial church council and the diocesan board of finance.

Definitions

- 6 In this Schedule—
- “burial” includes deposit in a vault or brick grave and the interment or deposit of cremated remains;
 - “cemetery” means a burial ground maintained by a burial authority;
 - “Chancellor” means the judge of the consistory court or commissary court of the bishop or archbishop of the diocese;
 - “monument” includes a headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, marker, flatstone, tombstone or tomb of any other kind;
 - “prescribed” means prescribed by a Parochial Fees Order.]

SCHEDULE 2

TRANSITIONAL PROVISIONS

- 1 No order made under Part I of this Measure shall be binding on a clerk in Holy Orders or other person performing duties in connection with a parish to whom the provisions of section 2(4) of the ^{M2}Ecclesiastical Fees Measure 1962 applied immediately before the coming into force of this provision without his consent in writing; but such consent when given shall be irrevocable.

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Marginal Citations

M2 1962 No. 1.

- 2 Until the Fees Advisory Commission is constituted under this Measure, the members of the Fees Committee appointed under section 1(3) of the Ecclesiastical Fees Measure 1962 shall, notwithstanding the repeal of that Measure by this Measure, continue to hold office and may perform any of the functions of the Fees Advisory Commission under this Measure.
- 3 Notwithstanding the repeal by this Measure of the Ecclesiastical Fees Measure 1962, any order made under that Measure relating to legal officers' fees or parochial fees shall be deemed to have been made under this Measure; and any fee payable at the coming into force of this Measure under an existing order relating to legal officers' fees or parochial fees shall be deemed to be payable under this Measure.
- 4 Any sum payable to any person under the provisions of section 5 of the Ecclesiastical Fees Measure 1962 shall, if reimbursible by the Church Commissioners at the coming into force of this provision, be deemed to be reimbursible under this Measure.
- 5 Nothing in this Schedule shall be taken as prejudicing the application of sections 16 and 17 of the ^{M3}Interpretation Act 1978.

Marginal Citations

M3 1978 c. 30.

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