



# Ecclesiastical Fees (Amendment) Measure 2011

2011 No. 2

## PART 1

### PAROCHIAL FEES

#### 1 Preparation of Parochial Fees Order

- (1) For section 1 of the Ecclesiastical Fees Measure 1986 (1986 No. 2) there shall be substituted the following section—

##### “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 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 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.”.
- (2) Schedule A1 to the 1986 Measure is set out in Schedule 1 to this Measure.

## **2 Amendment of section 2 of the 1986 Measure**

In subsections (1), (2), (3) and (4) of section 2 of the 1986 Measure, after the words “Parochial Fees Order” there shall be inserted, in each place, the words “or Scheduled Matters Amending Order”.