



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 5

MISCELLANEOUS

Fees

86 Fees orders

- (1) The Fees Advisory Commission must inform itself of the duties of the offices of ecclesiastical judges and the duties of the offices of legal officers and may make recommendations as to the annual fees to be paid to them in relation to such of those duties as it specifies.
 - (2) The Commission may make recommendations as to the fees to be paid to such persons as it specifies in relation to—
 - (a) such duties carried out by ecclesiastical judges as it specifies;
 - (b) such duties carried out by legal officers as it specifies;
 - (c) such functions carried out by advisory committees or archdeacons in connection with relevant faculty proceedings as it specifies.
 - (3) The Commission may make an order to give effect to its recommendations under subsection (1) or (2).
- [^{F1}(3A) An order under this section may contain provision as to—
- (a) exemptions from or reductions in fees;
 - (b) remission of fees in whole or in part.]
- (4) An order under this section may contain such incidental provision as the Commission considers necessary or desirable; and the provision which may be made includes, in particular, provision relating to payment for reasonable expenses incurred by ecclesiastical judges or legal officers—

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 86. (See end of Document for details)

- (a) on the holding of court hearings, or
- (b) on travel, subsistence and accommodation.

[^{F2}(4A) Any order under this section which includes provision under subsection (3A) must also include incidental provision under subsection (4) to require the diocesan board of finance to pay the amounts which would be payable were it not for the exemption, reduction or remission provided for by the order.]

[^{F3}[^{F4}(4B)] An order under this section may provide for a fee, or a matter relating to the payment of a fee, to be determined—

- (a) by a court, ecclesiastical judge, legal officer or other person;
- (b) by reference to provision made under an Act of Parliament.]

(5) A fee payable under an order under this section is recoverable as a debt.

(6) Where an archbishop or bishop has paid a sum under an order under this section, and the liability to pay was imposed on the archbishop or bishop in that capacity, the Church Commissioners must reimburse the sum to the archbishop or bishop.

(7) “Ecclesiastical judge” means—

- (a) the Dean of the Arches and Auditor,
- (b) the Vicar-General of either province,
- (c) the chancellor of a diocese,
- (d) the president of tribunals,
- (e) the chair of a disciplinary tribunal for the purposes of the Clergy Discipline Measure 2003, or
- (f) the deputy of a person specified in paragraphs (a) to (e).

(8) “Legal officer” means—

- (a) the registrar of a province,
- (b) the registrar of a diocese,
- (c) the administrator of a cathedral,
- (d) the registrar of tribunals for the purposes of the Clergy Discipline Measure 2003, or
- (e) the deputy of a person specified in paragraph (a) or (b).

(9) “Relevant faculty proceedings” means proceedings, or proposed proceedings, for obtaining a faculty in the case of a building which is subject to the faculty jurisdiction as a result of its inclusion in the list under section 38, other than a building within subsection (2)(e) of that section (sharing agreements).

(10) The references in subsection (9) to a building are to be read with section 39(3) (inclusion of monuments, curtilages, structures etc.).

(11) An order under this section—

- (a) must be laid before the General Synod, and
- (b) may not come into force unless—
 - (i) in the case of an order giving effect to recommendations under subsection (1), it has been approved by the Synod, or
 - (ii) in the case of an order giving effect to recommendations under subsection (2), it has been approved by the Synod, whether with or without amendment.

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- (12) If the Business Committee of the General Synod decides that the Synod does not need to debate an order under this section giving effect to recommendations under subsection (1), the order is deemed to be approved by the Synod unless notice is given by a member of the Synod in accordance with its Standing Orders that the member wishes the order to be debated.
- (13) If the Business Committee decides that the Synod does not need to debate an order under this section giving effect to recommendations under subsection (2), the order is deemed to be approved by the Synod without amendment unless notice is given by a member of the Synod in accordance with its Standing Orders that the member—
- (a) wishes the order to be debated, or
 - (b) wishes to move an amendment to the order.

Textual Amendments

- F1** S. 86(3A) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), ss. 4(1), 16(3); S.I. 2020/835, art. 2
- F2** S. 86(4A) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), ss. 4(2), 16(3); S.I. 2020/835, art. 2
- F3** S. 86(4A) inserted (retrospectively) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 8(5)(6), 17(2)(b)
- F4** S. 86(4A) renumbered as s. 86(4B) (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), ss. 4(2), 16(3); S.I. 2020/835, art. 2

Commencement Information

- I1** S. 86 in force at 1.9.2018 by S.I. 2018/720, art. 2

Changes to legislation:

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