

1989 No. 1242

ECCLESIASTICAL LAW, ENGLAND

FEEES

Ecclesiastical Judges and Legal Officers (Fees) Order 1989

<i>Made (Approved by the General Synod) -</i>	<i>11th July 1989</i>
<i>Laid before Parliament -</i>	<i>24th July 1989</i>
<i>Coming into force -</i>	<i>1st January 1990</i>

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(a) in the exercise of the powers conferred by section 6 do hereby order as follows:-

1. The Fees appearing in the Schedule to this Order are established. The Tables of the Schedule contain particulars of the fees which are to be received, after the commencement of this Order, by the ecclesiastical judges and legal officers named in the Schedule for carrying out by them of the duties of their offices specified in the Schedule.

2. The Fees established and set out in Part III of Table I of the Schedule to the Legal Officers' Fees Order 1986(b) and Tables I, II and III of the Schedule to the Ecclesiastical Judges and Legal Officers (Fees) Order 1988(c) shall no longer be payable.

3. (a) 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 any fee or fees prescribed by Order made under the Ecclesiastical Fees Measure 1986.

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

(c) An agreement made under sub-paragraph (a) 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.

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

4. A fee specified in the Schedule to this Order may be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

5. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order there shall be payable in addition to that fee the amount of the Value Added Tax.

(a) 1986 No. 2.
(b) S.I. 1986/1144.
(c) S.I. 1988/1273.

6. This Order may be cited as the Ecclesiastical Judges and Legal Officers (Fees) Order 1989 and shall come into force on the first day of January 1990.

Dated this 17th day of May 1989.

R. B. Gibson

A. Black

T. A. C. Coningsby

D. Lovelock

B. M. M. O'Connor

Approved by the General Synod
the 11th day of July 1989

W. D. Pattinson
Secretary-General

SCHEDULE

TABLE I

FACULTIES AND COURT FEES SUBSTITUTED FOR TABLE I OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1988

	<i>Dean of the Arches, Vicar- General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
	£	£
1. Archdeacon's Certificate. Fee payable on application (rule 3(1)).	—	14
2. Major Faculty (being matters enumerated by the Chancellor). Fees payable on lodging Petition (rule 4(1)).	19	41
3. Minor Faculty (all other cases). Fees payable on lodging Petition (rule 4(1)).	11	23
4. Additional fee where the Judge has ordered under rule 6A that the proceedings are to be determined upon consideration of written representations, such fee, and by whom it is to be paid, to be fixed by the Judge within the limits shown.	65-109	44-65
5. On the Judge giving directions under rule 8 that an application for an Archdeacon's Certificate is to be treated as a Petition for a Major Faculty, the applicant, if he wishes to proceed, shall pay a further fee of	19	27
6. On the Judge giving directions under rule 8 that an application for an Archdeacon's Certificate is to be treated as a Petition for a Minor Faculty, the applicant, if he wishes to proceed, shall pay a further fee of	11	9

	<i>Dean of the Arches, Vicar General or Chancellor</i>	<i>Registrar or other Officers by usage performing the duty</i>
	£	£
7. Additional fees where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or Chambers—		
(a) cases before the Chancellor's Court or the Court of Arches or the Chancery Court of York—		
(i) if a case lasts half a day or less	131	62
(ii) if a case lasts a whole day or more than half	218	125
(b) cases before the Court of Ecclesiastical Causes Reserved—		
(i) if a case lasts half a day or less	—	55
(ii) if a case lasts a whole day or more than half	—	109
(fee on same scales for subsequent days)		
8. Preparatory & ancillary work and correspondence (if any) in relation to application for Archdeacon's Certificate or Petition for Major or Minor Faculty – not to exceed without the sanction of the Chancellor or the Presiding Judge of the Appellate Court.	—	20

NOTES:

- (a) Any other fees of the Registry in opposed cases are to be paid on the same scale as are allowed for Court fees, from time to time, in the Supreme Court of Judicature.
- (b) References to rules are references to The Faculty Jurisdiction Rules 1967 as amended by The Faculty Jurisdiction (Amendment) Rules 1987.

TABLE II

FEEs SUBSTITUTED FOR TABLE II OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1988

	<i>Fee £</i>
1. Fee payable to Provincial Registrar for permission under Overseas and Other Clergy (Ministry and Ordination) Measure 1967	35
2. Annual fee for Vicar-General of the Province of Canterbury	998
3. Annual fee for Vicar-General of the Province of York	811

TABLE III

FEEs PAYABLE IN CONNECTION WITH APPEALS IN FACULTY CASES SUBSTITUTED FOR TABLE III OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1988

	<i>Fee</i> £
1. Application under rule 3 to determine the Court to which appeal lies (except where application is made immediately after giving of judgement). To be paid to registrar by applicant on lodging application—	
for chancellor	46
for registrar	26
2. Appeal under rule 4. To be paid to registrars by appellant on lodging notice of appeal—	
to registrar of diocese	87
to registrar of appellate court	44
<p>Plus, where appeal is to Court of Ecclesiastical Causes Reserved, a fee, to be fixed by registrar of Court of Ecclesiastical Causes Reserved, in respect of the cost of preparing five copies for the use of the members of the Court of the documents to be transmitted by the registrar of the diocese under rule 4(5)(b), the notice of appeal and the documents to be furnished by the appellant under rule 4(7). To be paid to registrar of Court of Ecclesiastical Causes Reserved by appellant when assessed by registrar.</p>	
3. Petition for Review under rule 9. To be paid to registrar of Court of Ecclesiastical Causes Reserved by petitioner on lodging petition.	87
4. Interlocutory application under rule 11(2). To be paid to registrar of appellate court by applicant on lodging application.	11
5. Appeal under rule 11(6). To be paid to registrar of appellate court by appellant on lodging notice of appeal.	11

NOTES:

- (a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965.
- (b) The fees set out above are in addition to those set out in Table I.

TABLE IV

FEEs FOR DUTIES UNDER THE PATRONAGE (BENEFICES) RULES 1987(a) SUBSTITUTED FOR TABLE IV OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1988

Fees for work by the diocesan registrar in connection with—

- (a) any search in the register of patrons ("the register") maintained under Part I of the Patronage (Benefices) Measure 1986(b) (rule 10(1));
- (b) the making of any extract from the register (rule 10(1));
- (c) supplying a certified copy of any entry in the register (rule 10(2));

except so far as the work is within the scope of the annual fee payable to the diocesan registrar under the Legal Officers (Annual Fees) Order from the time being in force made under section 5 of the Ecclesiastical Fees Measure 1986.

(a) S.I. 1987/773.
(b) 1986 No. 3.

Fee payable to the diocesan registrar to be calculated in accordance with the Solicitors' Remuneration Order 1972(a) and to be payable by the person making the search or extract or requesting the certified copy.

NOTE:

References to rules are to The Patronage (Benefices) Rules 1987.

TABLE V

FEEES FOR ELECTIONS TO THE GENERAL SYNOD SUBSTITUTED FOR TABLE I PART III OF THE SCHEDULE TO THE LEGAL OFFICERS' FEES ORDER 1986

	<i>Fee</i>
1. Fee for duties required to be performed as presiding officer at general elections to the Lower Houses of the Convocations or to the House of Laity of the General Synod or at elections to fill vacancies if the full election procedure is used in accordance with Rule 35(1) of the Clergy Representation Rules 1975 to 1984 or Rule 39(5) of the Church Representation Rules, payable to the diocesan registrar where he acts as presiding officer.	£100 and a further £25 for every hour spent on counting votes.
2. Fee for duties required to be performed as presiding officer at elections to fill casual vacancies to the Lower Houses of the Convocations or to the House of Laity of the General Synod if the shortened procedure is used in accordance with Rule 35(3) of the Clergy Representation Rules 1975 to 1984 or Rule 39(6) of the Church Representation Rules, payable to the diocesan registrar where he acts as presiding officer.	£25 for every hour spent on counting votes

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order increases the fees fixed by the Ecclesiastical Judges and Legal Officers (Fees) Order 1988 and the fees fixed by The Legal Officers' Fees Order 1986 for acting as presiding officer at elections to the General Synod.

2. The practice of most of the Chancellors in exercising their jurisdiction in relation to item 2 of Table I has been to designate the following as matters for major faculties—

(1) Where estimated cost of work, excluding professional fees and VAT, exceeds £2,500.

(2) Where confirmatory faculty is sought.

(3) Where grave space is reserved.

(4) Where body is to be exhumed.

(5) Where light or air agreement is to be approved.

(6) Where faculty is sought under Open Spaces Act 1906 (c.25).

(7) Where road widening scheme is approved.

(8) Where Chancellor so directs in case of unusual difficulty.

(a) S.I. 1972/1139.