
STATUTORY INSTRUMENTS

1990 No. 1439

ECCLESIASTICAL LAW, ENGLAND

Ecclesiastical Judges and legal Officers (Fees) Order 1990

<i>Made (Approved by the General Synod</i>	- -	<i>10th July 1990</i>
<i>Laid before Parliament</i>		<i>17th July 1990</i>
<i>Coming into force</i>	- -	<i>1st January 1991</i>

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986⁽¹⁾ 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 Table IV of the Schedule to the Legal Officers Fees Order 1975⁽²⁾ and in Tables I, II, III, IV and V of the Schedule to the Ecclesiastical Judges and Legal Officers (Fees) Order 1989⁽³⁾ shall no longer be payable.

- (a) (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 the annual 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.

(1) 1986 No. 2.
(2) S.I. 1975/1087.
(3) S.I. 1989/1242.

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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 Valued 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.

6. This Order may be cited as the Ecclesiastical Judges and Legal Officers (Fees) Order 1990 and shall come into operation on the first day of January 1991.

R. B. Gibson
A. Black
T. A. C. Coningsby
D. Lovelock
B. M. M. O'Connor

Dated this sixth day of June 1990

Approved by the General Synod Secretary-General

the 10th day of July 1990

Derek Pattinson

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SCHEDULE

TABLE I

FACULTY AND COURT FEES SUBSTITUTED FOR TABLE I OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1989

	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
1. Archdeacon's Certificate. Fee payable on application (rule 3(1)).	—	15
2. Major Faculty (being matters enumerated by the Chancellor). Fees payable on lodging Petition (rule 4(1)).	21	45
3. Minor Faculty (all other cases). Fees payable on lodging Petition (rule 4(1)).	12	25
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.	71—119	48—71
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 further fees of	21	30
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 further fees of	12	10
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 and 1989.		

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	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
7. Additional fees where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or Chambers:		
(a) (a) cases before the Chancellor's Court or the Court or Arches or the Chancery Court of York:		
(i) if a case lasts half a day or less	143	107
(ii) if a case lasts a whole day or more than half	238	179
(b) (b) cases before the Court of Ecclesiastical Causes Reserved:		
(i) if a case lasts half a day or less	—	60
(ii) if a case lasts a whole day or more than half	—	119
(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.	—	22
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 and 1989.		

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TABLE II

**FEES SUBSTITUTED FOR TABLE II OF THE SCHEDULE TO THE
ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1989**

	Fee £
1. Fee payable to Provincial Registrar for permission under Overseas and Other Clergy (Ministry and Ordination) Measure 1967	38
2. Annual fee for Vicar-General of the Province of Canterbury	1090
3. Annual fee for Vicar-General of the Province of York	886

NOTE:

These fees are the liability of the Archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.

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) MEASURE 1989**

	Fee £
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	50
for registrar	28
2. Appeal under rule 4. To be paid to registrars by appellant on lodging notice of appeal—	
to registrar of diocese	95
to registrar of appellate court	48
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	

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.

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	Fee £
Reserved by appellant when assessed by registrar.	
3. Petition for Review under rule To be paid to registrar of Court of Ecclesiastical Causes Reserved by petitioner on lodging petition.	95
4. Interlocutory application under rule 11(2). To be paid to registrar of appellate court on lodging notice of appeal.	12
5. Appeal under rule 11(6). To be paid to registrar of appellate court by appellant on lodging notice of appeal.	12
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 PAYABLE ON TAXATION OF COSTS IN DISCIPLINE AND FACULTY APPEAL CASES SUBSTITUTED FOR TABLE IV OF THE SCHEDULE TO THE LEGAL OFFICERS FEES ORDER 1975

	Fee £
1. To be paid to registrar by party applying for taxation on lodging application	10
2. To be paid to registrar by party applying on taxation of a bill of costs—	
(a) (a) where the amount allowed does not exceed £1,000—	50
(b) (b) where the amount allowed exceeds £1,000—	
(i) for the first £1,000	50
(ii) for every £20 or fraction thereof over £1,000	0.50

TABLE V

FEES FOR DUTIES UNDER THE PATRONAGE (BENEFICES) RULES 1987(4) SUBSTITUTED FOR TABLE IV OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1989

Fees for work by the diocesan registrar in connection with —
NOTE: References to rules are to The Patronage (Benefices) Rules 1987.

- (a) any search in the register of patrons (“the register”) maintained under Part I of the Patronage (Benefices) Measure 1986⁽⁵⁾(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 for the time being in force made under section 5 of the Ecclesiastical Fees Measure 1986.

Fees payable to the diocesan registrar to be calculated in accordance with the Solicitors' Remuneration Order 1972⁽⁶⁾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 VI

FEES FOR ELECTIONS TO THE GENERAL SYNOD SUBSTITUTED FOR TABLE V OF THE SCHEDULE TO THE ECCLESIASTICAL JUDGES AND LEGAL OFFICERS (FEES) ORDER 1989

1. Fees for duties required to be performed as presiding officer at general elections to the Lower Houses of the Convocations or to the House 25 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 1989 or Rule 39(5) of the Church Representation Rules, payable to the diocesan registrar where he acts as presiding officer.	£100 and a further £ for every hour spent on counting votes
2. Fee for duties required to be performed as presiding officer at elections for to fill casual vacancies to the Lower Houses of the Convocations or to the House of Laity of the General Synod of the shortened procedure is used in accordance with Rule 35(3) and (4) of the Clergy Representation Rules 1975 to 1989 or Rule 39(6) of the Church Representation	£25 every hour spent on counting votes

(5) 1986 No. 3.
(6) S.I. 1972/1139.

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Rules, payable to the diocesan registrar where he acts as a presiding officer.

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 1989 (other than the fees for certain items in connection with the register of patrons under the Patronage (Benefices) Measure 1986 (where the amount payable is, in effect, a fair and reasonable sum rather than a fixed fee) and the fees for acting as presiding officer at elections to the General Synod). It also substitutes a new table of fees payable on taxation of costs in discipline and faculty appeal cases for that contained in the Legal Officers Fees Order 1975.

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 exceed £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.