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STATUTORY INSTRUMENTS

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**2012 No. 1847**

**ECCLESIASTICAL LAW, ENGLAND**

**The Legal Officers (Annual Fees) Order 2012**

<i>Made</i>	- - - -	<i>6th July 2012</i>
<i>Laid before Parliament</i>		<i>19th July 2012</i>
<i>Coming into force</i>	- -	<i>1st January 2013</i>

In accordance with section 5(3) of the Ecclesiastical Fees Measure 1986(1) (“the Measure”), this Order has been laid before, and approved by, the General Synod.

The Fees Advisory Commission, in exercise of the powers conferred by section 5(1) and (2) of the Measure, makes the following Order:

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Legal Officers (Annual Fees) Order 2012.
- (2) It comes into operation on 1st January 2013.
- (3) In this Order—
  - (a) “diocesan board of finance” means in relation to a diocese, the board of that name constituted under the Diocesan Boards of Finance Measure 1925(2); and
  - (b) “the Measure” means the Ecclesiastical Fees Measure 1986.

**Annual fees**

2. Schedule 1 sets out the annual fees payable—
  - (1) to diocesan registrars in respect of the duties of their office specified in Schedule 2; and
  - (2) to provincial registrars in respect of the duties of their office, except the duties and professional services specified in Part B of Table 2 in Schedule 1.

**Payment of fees**

- 3.—(1) The fees set out in the second column of Table 1 of Schedule 1 are to be paid by the diocesan board of finance.

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(1) 1986 No 2; relevant amendments were made by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No 1), the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No 2), S.I. 1998/1715, the Care of Places of Worship Measure 1999 (1999 No 2) and the Ecclesiastical Fees (Amendment) Measure 2011 (2011 No 2).

(2) 15 & 16 Geo. 5 No. 3; relevant amendments were made by the Synodical Government Measure 1969 (1969 No 2).

(2) The fees set out in the third column of Table 1 and in Table 2 of Schedule 1 are to be paid by the diocesan bishop or archbishop(3).

#### **Revocation of 2011 Order**

4. The Legal Officers (Annual Fees) Order 2011(4) is revoked.

#### **Duties of the diocesan registrar**

5. A diocesan registrar shall not be entitled to receive any additional remuneration for the duties specified in Schedule 2 except as provided in article 6.

#### **Supplementary annual fee**

6.—(1) Subject to paragraph (2), nothing in this Order shall preclude a diocesan board of finance from agreeing to pay any sum to a diocesan registrar by way of annual fee or retainer which is additional to the annual fee payable under Table 1 of Schedule 1.

(2) Any such agreement shall—

- (a) be in writing;
- (b) be expressed to be an agreement made in accordance with this article; and
- (c) state the period for which it is to run, or, if no such period is stated, remain binding until determined by not less than three months' notice on either side.

#### **Travel, subsistence and accommodation**

7. A fee specified in Schedule 1 shall be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

#### **Value Added Tax**

8. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order (including any fee specified in paragraph 4 of Schedule 2) the amount of Value Added Tax chargeable is payable in addition to that fee.

Church House, London  
6th July 2012

*J Alpass  
H Dellar  
C Fletcher  
M Goddard  
J Jones  
J Rees  
E Renshaw  
G Tattersall  
T Walker*

The Fees Advisory Commission

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(3) Section 8 of the Measure provides that any sum paid by a bishop or archbishop by virtue of any order made under the Measure shall be reimbursed by the Church Commissioners.

(4) [S.I. 2011/1735](#).

This Order was approved by the General Synod on 6th July 2012

Church House, London

*C. J. Podmore*  
Clerk to the Synod

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Article 2

Fees payable under this Order

TABLE 1

**Annual fees payable to diocesan registrars**

<i>Diocese</i>	<i>Payable by diocesan board of finance</i>	<i>Liability of the diocesan bishop</i>	<i>Total</i>
	£	£	£
Bath and Wells	38,270	22,474	60,744
Birmingham	23,774	18,647	42,421
Blackburn	24,985	22,189	47,174
Bradford	16,806	22,170	38,976
Bristol	23,146	18,139	41,285
Canterbury	26,628	20,922	47,550
Carlisle	27,954	19,319	47,273
Chelmsford	42,175	24,649	66,824
Chester	30,935	20,987	51,922
Chichester	33,839	24,844	58,683
Coventry	21,773	21,602	43,375
Derby	25,988	21,284	47,272
Durham	25,299	22,096	47,395
Ely	27,930	21,802	49,732
Exeter	39,068	22,834	61,902
Gloucester	28,973	20,653	49,626
Guildford	21,214	22,235	43,449
Hereford	28,539	21,554	50,093
Leicester	27,102	18,846	45,948
Lichfield	37,966	24,074	62,040
Lincoln	43,187	17,521	60,708
Liverpool	25,127	22,237	47,364
London	40,516	26,309	66,825
Manchester	27,428	24,358	51,786
Newcastle	24,786	17,794	42,580
Norwich	46,449	19,170	65,619

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<i>Diocese</i>	<i>Payable by diocesan board of finance</i>	<i>Liability of the diocesan bishop</i>	<i>Total</i>
	£	£	£
Oxford	56,844	18,576	75,420
Peterborough	28,235	23,491	51,726
Portsmouth	16,249	23,654	39,903
Ripon and Leeds	22,571	19,407	41,978
Rochester	26,509	21,534	48,043
St Albans	32,269	23,622	55,891
St Edmundsbury and Ipswich	35,033	22,676	57,709
Salisbury	38,593	21,878	60,471
Sheffield	23,347	20,146	43,493
Southwark	30,661	27,062	57,723
Southwell and Nottingham	25,557	21,639	47,196
Truro	25,505	18,794	44,299
Wakefield	22,438	21,247	43,685
Winchester	27,868	21,535	49,403
Worcester	22,143	20,547	42,690
York	37,461	23,110	60,571

TABLE 2

**Annual fees payable to provincial registrars**

PART A

**Fees payable**

	<i>Fee</i>
	£
1. Annual fee for joint registrars of the province of Canterbury	136,255
2. Annual fee for registrar of the province of York	63,150

PART B

**Duties and professional services not falling within the scope of the annual fee**

Duties and professional services in connection with the following matters shall not fall within the scope of the annual fee payable to provincial registrars:

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Advice or other work in connection with disciplinary proceedings against a clerk in holy orders which have been instituted under section 10 of the Clergy Discipline Measure 2003<sup>(5)</sup> or in respect of any disciplinary matters arising under or in relation to that Measure including under sections 30 and 31.

(In respect of such advice, a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009<sup>(6)</sup> shall be payable by the bishop (except in relation to advice and other work for which a fee is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Measure)).

## SCHEDULE 2

Article 2

### The scope of the annual fee

#### **Professional services to be provided by the diocesan registrar**

1. Subject to the restrictions contained in paragraphs 2 and 3, the professional services provided by the diocesan registrar in respect of the annual fee paid to him or her under this Order shall include—

(1) Giving of advice to the diocesan bishop, suffragan bishops, archdeacons, chairmen of the houses of the diocesan synod, rural deans and lay chairmen of deanery synods, incumbents and all other clergymen, beneficed or licensed in the diocese, on any legal matter properly arising in connection with the discharge of their respective ecclesiastical or synodical offices, and giving of advice to chairmen and secretaries of diocesan boards, councils and committees on any legal matter properly arising in connection with the business of the respective boards, councils and committees;

(2) Acting as registrar to the diocesan synod and attendance at its meetings;

(3) Attendance at the bishop's council and standing committee if required by that committee;

(4) Occasional attendance at meetings of diocesan boards, councils and committees for the purpose of giving advice on specific matters;

(5) Maintaining all such records of the diocese as are customarily kept by the diocesan registrar including the making of entries therein, and the making of searches and reports on matters recorded in the registry or in documents held in the diocesan muniment room at the request of persons or bodies referred to in sub-paragraphs (1) and (6);

(6) Giving advice to churchwardens and secretaries of parochial church councils on any legal matter properly arising in connection with their duties or official business;

(7) Giving advice to any person concerned in or with the administration of an election under the Church Representation Rules on any question properly arising under those Rules;

(8) Giving advice to a bona fide enquirer concerning the law of marriage, baptism, confirmation and burial of the dead according to the rites and ceremonies of the Church of England;

(9) Giving advice to persons considering or proposing to make an application for a legal aid certificate for financial assistance from the Legal Aid Fund maintained under section 1 of the Church of England (Legal Aid) Measure 1994<sup>(7)</sup>;

(10) Acting as registrar to the consistory court of the diocese except in so far as a separate fee is prescribed by Order made under the Measure or except in so far as this Order provides that a

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<sup>(5)</sup> 2003 No 3.

<sup>(6)</sup> S.I. 2009/1931.

<sup>(7)</sup> 1994 No 3; amended by the Clergy Discipline Measure 2003.

fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009 is payable;

(11) Attendance at episcopal visitations (other than visitations by the diocesan bishop of the cathedral church of the diocese);

(12) Drafting and preparing, approving, engrossing and registering all notices, licences, consents, permissions, instruments and other documents required by law or customarily used in connection with the following matters—

- (a) ordination
- (b) certification of ordination
- (c) presentation to a benefice
- (d) commission for institution or collation
- (e) admission to freehold office
- (f) certification of institution or collation
- (g) licensing of non-residence, for legalising house of residence
- (h) resignation (other than resignation of an incumbent)
- (i) under the Mission and Pastoral Measure 2011<sup>(8)</sup> (“the 2011 Measure”)—
  - (i) admission to office of rector
  - (ii) licensing of a vicar in a team ministry
  - (iii) designation of a parish centre of worship under Part 5 of the <sup>(8)</sup> (“the 2011 Measure for the purposes of the Marriage Act 1949<sup>(9)</sup> and other purposes
- (j) licensing of clerks in holy orders and deaconesses
- (k) delegation by bishop of archidiaconal powers under the Church of England (Miscellaneous Provisions) Measure 1983<sup>(10)</sup>
- (l) delegation by bishop of episcopal powers under the Dioceses, Pastoral and Mission Measure 2007<sup>(11)</sup>
- (m) episcopal visitations (other than visitations by the diocesan bishop of the cathedral church of the diocese)
- (n) matters relating to sequestrations
- (o) provision of agreements to form a conventional district
- (p) consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963<sup>(12)</sup>
- (q) licensing of unconsecrated church or place of worship (including temporary licences)
- (r) ordering of a licensed chapel to come under faculty jurisdiction;

(13) Acting in relation to the following matters on the instructions of the diocesan bishop, suffragan bishops or archdeacons or on the instructions of a diocesan board or council whose business properly includes such matters—

- (a) consecration of a church and burial ground or a church without a burial ground
- (b) consecration of a cemetery or burial ground

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<sup>(8)</sup> 2011 No 2.

<sup>(8)</sup> 2011 No 2.

<sup>(9)</sup> 1949 c.76.

<sup>(10)</sup> 1983 No 2.

<sup>(11)</sup> 2007 No 1.

<sup>(12)</sup> 1963 No 1.

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- (c) preparation and registration of documents required under the Consecration of Churchyards Act 1867<sup>(13)</sup> for the consecration of additions to churchyards
  - (d) licensing of a building for marriages
  - (e) notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930<sup>(14)</sup> (in relation to a guild church in the City of London);
- (14) Work in connection with the following matters—
- (a) maintaining the register of patrons (“the register”) under Part 1 of the Patronage (Benefices) Measure 1986<sup>(15)</sup> (“the 1986 Measure”) as required by section 1(1) of the 1986 Measure
  - (b) searches in and making of extracts from the register, enquiries as to entries in the register and supplying certified copies of entries in the register, where the search, extract or enquiry is made or the certified copy is requested by or on behalf of a person or body referred to at the commencement of sub-paragraph (13) or by the designated officer (within the meaning of section 7(5) of the 1986 Measure)
  - (c) receipt and issue of notices and notification of representations under section 3(3) and (4) of the 1986 Measure.

### **Restrictions on the provisions of paragraph 1**

2. The provisions of paragraph 1 shall be restricted as follows—

(1) Where the registrar receives a request for advice on any matter properly falling within paragraph 1 sub-paragraphs (1), (5), (6), (7) and (8)—

- (a) The registrar shall not be required to correspond with a third party involved in the enquiry
- (b) Before giving advice the registrar shall first consider whether the matter on which his or her advice is sought is one which can conveniently be dealt with by the diocesan secretary or some other person or body in the diocese rather than by the registrar
- (c) If a legal dispute arises between parties who are both church officers the registrar may decline to advise either party, but he or she shall be at liberty to advise both parties with a view to helping them to resolve their dispute if in his or her judgement it is desirable to do so;

(2) The registrar shall not be required to attend meetings of diocesan boards, councils and committees except upon an occasional basis to give legal advice on specific matters. (The registrar may attend such meetings regularly to give general advice and assistance if requested to do so by the board, council or committee in question and in that case he or she shall be entitled to be separately remunerated for this work.)

### **Advice or assistance given to the diocesan bishop, suffragan bishops or archdeacons**

3. The provisions of paragraph 2(1) shall not apply to advice and assistance given as legal secretary or diocesan registrar to the diocesan bishop, or as diocesan registrar to suffragan bishops or archdeacons.

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<sup>(13)</sup> 1867 c.133.

<sup>(14)</sup> 1930 No 8.

<sup>(15)</sup> 1986 No 3.



#### **Work not falling within the scope of the annual fee**

4. For the avoidance of doubt work in connection with the following matters shall not fall within the scope of the annual fee but a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009 shall be payable—

(1) Conveyancing and drafting of documents other than those referred to in paragraph 1 subparagraphs (12) and (13);

(2) Matters relating to individual diocesan, parochial or educational trusts or to individual pieces of diocesan glebe property;

(3) Litigation;

(4) Acting as secretary to the vacancy in see committee constituted under the Vacancy in See Committees Regulation 1993 (as amended) on a vacancy in the see of the diocesan bishopric;

(5) Deposition or deprivation consequent upon proceedings in secular courts, including the following—

(a) service of notice on a priest or deacon of intention to depose him or her from holy orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1964<sup>(16)</sup> (the fee is payable by the bishop)

(b) carrying out of a duty or exercising of a discretion following proceedings referred to in section 55 of the Ecclesiastical Jurisdiction Measure 1963 (the fee is payable by the bishop);

(6) Advice or other work in connection with proceedings against a clerk in holy orders under the Ecclesiastical Jurisdiction Measure 1963 in respect of an ecclesiastical offence which have been instituted under that Measure or are under consideration or in connection with an allegation of such an offence which is under investigation with the knowledge and approval of the bishop (excluding advice and other work for which a fee is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Measure). (The fee is payable by the bishop.)

(7) Advice or other work in connection with disciplinary proceedings against a clerk in holy orders which have been instituted under section 10 of the Clergy Discipline Measure 2003 or in respect of any disciplinary matters arising under or in relation to that Measure including under sections 30 and 31. (The fee is payable by the bishop.)

(8) Advice or other work in connection with the revocation by reason of misconduct of a licence granted by the bishop to a deaconess or lay worker or reader to minister in the diocese, or in connection with a revocation of such a licence which is under consideration or with an allegation of misconduct by such a person which might lead to such a revocation and which is under investigation with the knowledge and approval of the bishop. (The fee is payable by the bishop.)

(9) Advice to the diocesan bishop or other work carried out at his request in connection with proceedings or possible future proceedings under the Incumbents (Vacation of Benefices) Measures 1977 and 1993<sup>(17)</sup> in a case where notice has been given to the bishop under section 1A(1A) of the Incumbents (Vacation of Benefices) Measure 1977 or the giving of such notice is under consideration. (The fee is payable by the bishop.)

(10) Pronouncing of censure under section 31 of the Ecclesiastical Jurisdiction Measure 1963 with the consent of the accused (the fee is payable by the bishop);

(11) Work undertaken on behalf of a person who is not an official in the diocese or on behalf of a body which is not a diocesan board or council in connection with the following matters—

(a) consecration or licensing of a public cemetery, a private burial ground or a private chapel

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<sup>(16)</sup> S.I. 1964/1755.

<sup>(17)</sup> 1977 No 1 and 1993 No 1.

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- (b) licensing the chapel of an extra-parochial place for a marriage of persons living or residing in that place
  - (c) notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (in relation to a guild church in the City of London) (the fee to be paid in such proportions as may be agreed between the transferor and the transferee, and in the absence of such agreement the fee to be paid by the transferee);
- (12) Removal of the legal effects of consecration under section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;
- (13) Work carried out in relation to the register of patrons under Part 1 of the 1986 Measure where a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009 is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Measure;
- (14) Acting as Chapter clerk (whether or not the diocesan registrar holds the office of Chapter clerk) and in particular doing the following work, namely work in connection with the following matters—
- (a) installation to a deanery
  - (b) installation to a canonry or prebend (whether residentiary or honorary) or to an archdeaconry
  - (c) admission to a minor canonry

(These fees are payable out of cathedral revenues);

(15) Attendance at and work in connection with any visitation by the diocesan bishop of the cathedral church of the diocese and in connection with any action taken or proposed to be taken by the diocesan bishop under the Care of Cathedrals Measure 2011(18).

## **Disbursements**

5. If any disbursements other than expenses specified in article 7 of this Order are incurred in the course of providing any of the professional services in paragraph 1 above the diocesan registrar shall be entitled to charge for them separately.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order applies an increase of 2.625% (a weighted inflationary formula of 25% RPI and 75% AWE (4.8% and 1.9% respectively in 2011)) to the total of the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 2011. The increased total is then apportioned as to each registrar's individual fee according to a formula based on the number of parishes and stipendiary clergy in each diocese.

The Order also fixes new annual fees for the provincial registrars.

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The Order provides that duties and professional services undertaken by registrars and provincial registrars in connection with the Clergy Discipline Measure 2003 shall not fall within the scope of this annual fee but will be calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009.

The Order will have effect from 1st January 2013.