

Draft Order laid before the General Synod under section 2(1) of the Ecclesiastical Fees Measure 1986, for approval by the General Synod with or without amendment.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2010 No.

ECCLESIASTICAL LAW, ENGLAND

FEES

The Parochial Fees Order 2010

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Laid before the General Synod in draft</i>	<i>9th July 2010</i>
<i>Coming into force</i> - -	<i>1st January 2011</i>

In accordance with section 2(1) of the Ecclesiastical Fees Measure 1986(a) (“the Measure”), a draft of this Order has been laid before, and approved by, the General Synod.

The Archbishops’ Council, in exercise of the powers conferred by sections 1 and 2 of the Measure and now vested in it (b), makes the following Order:

Citation and commencement

1. This Order may be cited as the Parochial Fees Order 2010 and shall come into operation on 1st January 2011.

Prescribed Fees

2.—(1) The Table of Parochial Fees set out in Part 1 of the Schedule prescribes the amount of the parochial fees which are to be paid to the persons, in relation to the respective matters, specified in the Table.

(2) The specification in the Table of the persons to whom parochial fees are to be paid is subject to the provisions of section 3 of the Ecclesiastical Fees Measure 1986 (which makes provision as to persons to whom parochial fees are to be paid during a vacancy in a benefice and where a licence of a chapel includes provision fixing fees).

(a) 1986 No. 2.

(b) The powers originally conferred on the Church Commissioners by sections 1 and 2 of the Ecclesiastical Fees Measure 1986 were transferred to the Archbishops’ Council by the National Institutions of the Church of England (Transfer of Functions) Order 1998 (S.I. 1998/1715).

Application of Part 2 of the Schedule

3. Part 2 of the Schedule shall apply in relation to the parochial fees which are prescribed in the Table in Part 1.

Defintitions

4. In the Schedule, unless the context otherwise requires—

“burial” includes deposit in a vault or brick grave and the interment or deposit of cremated remains;

“cemetery” means a burial ground maintained by a burial authority;

“Chancellor” means the judge of the consistory court or commissary court of the bishop or archbishop of the diocese;

“churchyard” includes the curtilage of a church and a burial ground of a church whether or not immediately adjoining such church;

“incumbent” means the incumbent of any benefice as defined by the Interpretation Measure 1925(a);

“monument” includes a headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, marker, flatstone, tombstone or monument or tomb of any other kind.

Revocation of 2009 Order

5. The Parochial Fees Order 2009(b) is revoked.

The draft of this Order was approved by the General Synod on ***

Church House, Westminster

Name
Clerk to the Synod

The COMMON SEAL of the Archbishops’ Council was affixed on ***

Church House, Westminster

Name
Name

(a) 1925 No. 1.
(b) S.I. 2009/2106

SCHEDULE
FEEES PRESCRIBED BY THIS ORDER

PART 1

Article 2

TABLE OF PAROCHIAL FEES

	<i>Col 1</i> <i>Fee to be paid</i> <i>to incumbent</i> <i>£.p</i>	<i>Col 2</i> <i>Fee to be paid</i> <i>to Parochial</i> <i>Church</i> <i>Council</i> <i>£.p</i>	<i>Col 3</i> <i>Total Fees to</i> <i>be paid</i> <i>£.p</i>
BAPTISMS			
Certificate issued at time of baptism	12.00	—	12.00
Short certificate of baptism given under Section 2 Baptismal Registers Measure 1961(a)	9.00	—	9.00
MARRIAGES			
Publication of banns of marriage	15.00	7.00	22.00
Certificate of banns issued at time of publication	12.00	—	12.00
Marriage service	126.00	136.00	262.00
FUNERALS AND BURIALS			
<i>A. Service in church</i>			
Funeral service in church	57.00	45.00	102.00
Burial in churchyard following on from service in church	—	196.00	196.00
Burial in cemetery or cremation following on from service in church	—	—	NIL
Burial of body in churchyard on separate occasion	36.00	196.00	232.00
Burial of cremated remains in churchyard on separate occasion	36.00	80.00	116.00
Burial in cemetery on separate occasion	36.00	—	36.00
<i>B. No service in church</i>			
Service in crematorium or cemetery	102.00	—	102.00
Burial of body in churchyard	36.00	196.00	232.00
Burial of cremated remains in churchyard	36.00	80.00	116.00
<i>C. Certificate issued at time of burial</i>			
	12.00	—	12.00

(a) 1961 No. 2.

MONUMENTS IN CHURCHYARDS

Permitted in accordance with rules, regulations or directions made by the Chancellor including those relating to a particular churchyard or part of a churchyard (but excluding a monument authorised by a particular faculty)—

Small cross of wood (*)	9.00	12.00	21.00
Small vase not exceeding 305mm x 203mm x 203mm (approx. 12" x 8" x 8") (*)	36.00	45.00	81.00
Tablet, plaque or other marker commemorating a person whose remains have been cremated (*)	36.00	45.00	81.00
Any other monument (*)	54.00	104.00	158.00
Additional inscription on existing monument	36.00	—	36.00

SEARCHES IN CHURCH REGISTERS ETC.

Searching registers of marriages for period before 1st July 1837—

for up to one hour	12.00	7.00	19.00
for each subsequent hour or part of an hour	9.00	7.00	16.00

Searching registers of baptisms or burials (including provision of one copy of any entry therein)—

for up to one hour	12.00	7.00	19.00
for each subsequent hour or part of an hour	9.00	7.00	16.00
Each additional copy of an entry in a register of baptisms or burials	12.00	7.00	19.00

Inspection of instrument of apportionment or agreement for exchange of land for tithes deposited under Tithe Act 1836(a)

Furnishing copies of above (for every 72 words)	9.00	—	9.00
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PART 2

Article 3

EXPLANATORY NOTES ON PART 1

Burial on a separate occasion

1. In relation to the fee for a burial in a churchyard, “on a separate occasion” means on any occasion other than immediately preceding or following on from a service in church, for example, the interment of cremated remains.

Burial of infant

2. No fee is payable in respect of the funeral or burial of a still-born infant, or for the funeral or burial of an infant dying within the period of one year after birth.

(a) 1836 (6 & 7 Will. 4 c.71).

Funeral service

3. If a full funeral service is held at the graveside, the incumbent's fee is increased to that payable where the service is held in church.

Burial of cremated remains in churches or closed churchyards

4. Where cremated remains are buried in or under a church or in a closed churchyard, the fees payable to the incumbent and the Parochial Church Council are—

- (a) where burial is authorised by a general faculty, the same as those laid down in Part 1 for burial in a churchyard;
- (b) where burial is authorised by a particular faculty, such sums as may be determined by the Chancellor, who shall specify the person or persons entitled to receive them.

Monuments in churchyards

5. The fees marked (*) include fees for the original inscription.

Where a monument in a churchyard is erected or an additional inscription on a monument is made under the authority of a particular faculty, the fees payable to the incumbent and the Parochial Church Council or either of them shall be such sums as may be determined by the Chancellor, who shall specify the person or persons entitled to receive them.

The incumbent's fee for an additional inscription on a small cross of wood shall not exceed the current fee payable to the incumbent for the erection of such a monument.

Direction by incumbent as to payment of fees

6. An incumbent who has not executed an assignment of parochial fees to the Diocesan Board of Finance may direct, either generally or in a particular case, that all or part of any fee which is payable to the incumbent under Part 1 shall be payable to the minister performing the service or duty.

Searches in church registers etc.

7. The search fee relates to a 'particular search' where the approximate date of the baptism, marriage or burial is known. The fee for a more general search of a church register is negotiable with the incumbent and the Parochial Church Council.

Services in crematoria and unconsecrated cemeteries

8. Section 2(4) of the Church of England (Miscellaneous Provisions) Measure 1992(a) places an obligation on the minister of a parish, if requested, to perform, or arrange the performance of, funeral services for his parishioners and certain other persons in certain cemeteries and crematoria. The fees prescribed by the Table in Part 1 for such services apply except where a local authority or other crematorium authority has fixed charges for such services in which case the authority's charges apply.

(a) 1992 No. 1.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order prescribes the fees payable in respect of certain matters in connection with marriages and burials, for the erection of monuments in churchyards and for other miscellaneous matters. The fees are in substitution for the fees prescribed by the Parochial Fees Order 2009 (S.I. 2009/2106).