

**GENERAL SYNOD
DRAFT PAROCHIAL FEES ORDER 2002**

MEMORANDUM BY THE ARCHBISHOPS' COUNCIL

INTRODUCTION

1. The Parochial Fees Order 2001, which came into effect on 1 January 2002, increased fees by 8.5%. This increase was greater than that in recent years because, on the recommendation of the Archbishops' Council, the Synod agreed to take the additional cost of pensions following the actuarial review into account when setting the level of parochial fees. The increase therefore reflected a 3% increase in the National Stipend Benchmark for 2002, plus an increase (estimated at around 5.5%) in the cost of clergy pensions, which are regarded as deferred stipend.

2. Last year's Fees Order also made various changes, after discussions with the Council for the Care of Churches, to the structure of fees for monuments, as follows.

- The fee for a small vase not exceeding 305mm x 203mm x 203mm (12" x 8" x 8") was increased to the same as that for a tablet commemorating a person whose remains have been cremated.
- The incumbent's fee for a cremation tablet was increased to the same as that for an additional inscription on an existing monument.
- The maximum dimensions specified in the fee for a tablet were reduced from 533mm x 533mm (21" x 21") to agree with the usual dimensions quoted in the new

edition of the Churchyards Handbook, that is 450mm x 305mm (18" x 12").

3. The 2001 Order was approved by Synod at the July 2001 Sessions after a brief debate. During the debate, the Revd Chris Lilley (Lincoln) suggested that provision should be made in subsequent Fees Orders for two additional fees as follows:

- (i) a fee for a memorial service after a funeral service at a crematorium;
- (ii) a fee for time spent travelling to a crematorium or cemetery, which would be in addition to travelling expenses.

4. Parochial Fees Orders are made under Part I of the Ecclesiastical Fees Measure 1986, and have been framed on the basis that, under the terms of the 1986 Measure, they may only cover services that clergy are legally *required* to provide. On that basis, it is not possible for a Fees Order to specify fees for special memorial services, and Mr Lilley's first proposal may not, therefore, be incorporated into a Fees Order. However, the Legal Advisory Commission will be considering whether the definition of "parochial fees" in the Measure allows any scope for bringing other matters within future Orders. In any event, members of the clergy are not under a legal obligation to conduct special memorial services, and there is no legal obstacle to their agreeing to take a service of that kind subject to payment of a reasonable charge, and the incumbent may consider it fit to base the charge on the relevant parochial fee.

Deleted:

5. The Deployment, Remuneration and Conditions of Service Committee (DRACSC) carefully considered Mr Lilley's second proposal, but decided not to recommend to the Council that it should be incorporated into this year's fees

Order. In the Committee's view, the location of the crematorium or cemetery is not always a matter of choice. Charging a fee for time spent travelling could be seen as disadvantageous to those in rural and inner city areas, who are likely to have to make use of crematoria and cemeteries that are some distance away. It is also likely to cause confusion over travel expenses, which should always be reimbursed in full.

6. The 2001 Order has attracted some comment, but this has mainly been about the reduction in the dimensions for cremation tablets, although there have been a few expressions of concern both that parochial fees are too high and that they are too low.

THE CURRENT DRAFT ORDER

The Increase from 1 January 2003

7. Members of Synod will recall that recent increases in parochial fees have been based on increases in the Central Stipend Authority's National Stipend Benchmark. The thinking behind this was that the incumbent's fee is a contribution towards clergy stipends. DRACSC carried out an extensive consultation this year with a view to seeing whether a more substantial increase would be appropriate (possibly even doubling the fees). Organisations consulted included the National Society of Allied and Independent Funeral Directors, the National Association of Funeral Directors, the Co-operative Funeral Service Managers' Association, the Ecclesiastical Law Association, the Funeral Standards Council, the Association of Burial Authorities, the Association of Private Crematoria and Cemeteries, the Institute of Burial and Cremation Administration, the National Association of Memorial Masons, the General Register Office, the National Association of Local

Councils, the Local Government Association, the Federation of British Cremation Authorities, the Cremation Society of Great Britain, the Council for the Care of Churches, the Marriage and Family Policy Officer of the Board of Social Responsibility and the Churches Main Committee.

8. After extensive reflection and debate, the Council, on the recommendation of DRACSC, took the view that an increase of 4% from 1 January 2003 was appropriate. This would be in line with the forecast increase in average earnings. In taking this view, the Council was mindful that the Church is facing an increasingly competitive market for rites of passage (especially with the proposals for civil funerals) and that the number of church marriages was falling. It was also aware that occasional offices are a very important part of the Church's outreach and this could be damaged if the increase in fees was too high

Maximum Dimensions for Cremation Tablets

9. The reduction of the maximum dimension for cremation tablets in last year's Fees Order has created problems, as the reduced maximum dimensions are smaller than the usual dimensions for cremation tablets in some churchyards. In these cases, the fee for "any other monument" (currently a total of £114), which is primarily intended to cover tombstones - rather than the fee for a cremation tablet (currently £60) - will apply. After consultation with the bodies representing those concerned, it is proposed that the lower fee should apply to any tablet, plaque or marker commemorating a person whose remains have been cremated, where that memorial is permitted in accordance with rules, regulations or directions made by the chancellor, including those relating to a particular churchyard or part of a churchyard. However, in the

case of a monument in a churchyard which is erected under the authority of a *particular* faculty, the Order provides, as at present, for the Chancellor to determine the fees and to specify the person or persons entitled to receive them.

10. On legal advice, the following changes have therefore been made to the wording of the 2001 Order:-

(i) the definition of a monument in paragraph 3 has now been expanded to include express references to a plaque or marker; and

(ii) in Part 1 of the Schedule the wording "Tablet, erected horizontally or vertically and not exceeding 450mm x 300mm (approx. 18" x 12"), commemorating person cremated" has been replaced by "Tablet, plaque or other marker commemorating a person whose remains have been cremated".

11. In addition, previous Fees Orders referred to "monuments in churchyards erected with consent of incumbent under chancellor's general directions". The draft Order replaces this with "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 monuments authorised by a particular faculty)". It is not necessary to include an express provision for the consent of the incumbent, because the words "in accordance with rules, regulations or directions made by the Chancellor" mean that office holder authorised by the Chancellor to give the necessary permission – in the case of a vacancy in the benefice, this will of course be someone other than the incumbent – must have done so.

CONCLUSION

12. Under the Ecclesiastical Fees Measure 1986, as amended by the National Institutions of the Church of England (Transfer of Functions) Order 1998, the draft Order has to be laid before General Synod. The General Synod is, therefore, invited to approve the draft Parochial Fees Order 2002 (GS1452) which the Council has submitted.

13. If it is so approved, the Council will make the Order by sealing it. It will thereafter need to be laid before both Houses of Parliament in accordance with legal requirements. If Synod amends it, the Council has the option of *either* sealing the order as amended by Synod *or* withdrawing the Order for further consideration. The effect of this would be that the 2001 Order would remain in force, as the new Order cannot become law until it has been sealed by the Council.

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