

MEMORANDUM BY THE ARCHBISHOPS' COUNCIL

INTRODUCTION

1. Under the Ecclesiastical Fees Measure 1986¹ ("the 1986 Measure"), most of the fees that the Church of England can charge in respect of marriages and funerals are set out annually in a draft Parochial Fees Order. In general, the fees charged in connection with burials in cemeteries and services in crematoria, monuments in churchyards and searches in church registers are also fixed by this Order. The draft Order is agreed by the Archbishops' Council and laid before the General Synod for its approval; the final Order is also subject to a right of veto by each House of Parliament.
2. In 2002, parochial fees contributed nearly £15m towards the cost of paying stipends to the clergy - which represented over 8% of the total stipends bill. The remainder was raised for PCCs, and, taken together with payments for extras, such as flowers and the services of third parties such as organists and bell ringers, produced around £37m. Thus parochial fees contributed an amount approaching nearly 5% of the Church's overall income of £850m.
3. The Parochial Fees Order 2003, which came into force on 1 January 2004, increased fees by 4% in line with the forecast increase in average earnings, except for the fee for a marriage service, which was increased by 10%.
4. In proposing a 10% increase in the fees for marriages to the General Synod, the Archbishops' Council had taken the view that there was some scope for higher increases in the level of marriage fees. However, it was mindful that the number of Church of England marriages has been continuing to fall (both as a figure and as a proportion of the total number of marriages), and that it was important not to undermine the efforts being made to encourage people to marry in church.

¹ As amended by the National Institutions of The Church of England (Transfer of Functions) Order 1998.

5. The 2003 Order was approved by the Synod at the July 2003 Group Sessions after a brief debate, and the increases which it made are understood to have attracted very little adverse comment.

THE CURRENT DRAFT ORDER

The Increase from 1 January 2005

6. This year, the usual annual consultation was carried out on the basis of a proposed general 5% increase in fees for 2005. This compares with a forecast increase in average earnings of 4%, and an increase in the National Stipend Benchmark of 5% from 1 April 2005.
7. Those consulted included professional associations of funeral directors, burial and cremation authorities, the National Society of Memorial Masons, the Ecclesiastical Law Association, the Churches Main Committee, the Council for the Care of Churches, the General Register Office, the Association of Family History Societies, and also members of the Family Life And Marriage Education Network (FLAME).
8. In the light of responses to the consultation, the Deployment, Remuneration and Conditions of Service Committee (DRACSC) of the Archbishops' Council, which has responsibility for making recommendations to the Council on matters of policy to do with parochial fees, unanimously decided to recommend a general increase of 5% in the level of fees from 1 January 2005. For the same reasons as in the previous year, it considered that a higher increase was appropriate for the fee for a marriage service, and therefore recommended an increase of 10% in the fee for a marriage service, the same as that approved last year.
9. The Archbishops' Council has accepted those recommendations, and the draft Parochial Fees Order 2004 (GS 1535) which is now before the Synod gives effect to them.

Other Provisions

10. Following last year's Synod debate, some minor drafting amendments have also been made to paragraph 7 of Part II of the Schedule to the Order in order to clarify its meaning. This paragraph provides that where an incumbent has not assigned his or her parochial fees to the Diocesan Board of Finance, he or she may direct, either generally or in an individual case, that the fee which is payable to the incumbent under the Order should be payable to some other minister who has actually taken

the service in question. That can be done if, for example, the incumbent has requested a retired member of the clergy to take a funeral service for one of the incumbent's parishioners.

11. If the incumbent has executed an assignment of parochial fees to the Diocesan Board of Finance, it is still possible for some other member of the clergy who has carried out the service to receive the whole or part of the incumbent's fee. However, any arrangements an individual incumbent wishes to make for this will need the consent of the Diocesan Board of Finance. Alternatively, the Board may prefer to establish general arrangements for the payment of fees to officiating ministers in these circumstances.

FORTHCOMING CONSULTATION ABOUT MATTERS RELATING TO PAROCHIAL FEES

12. Issues regarding the payment of fees to retired clergy and other clergy who do not hold parochial appointments are only one example of a number of problem areas, both legal and practical, that have emerged in relation to the present legislation on parochial fees in recent years. Since the 1960s, when the legislation replaced by the 1986 Measure was enacted, the range of services which the Church offers has increased, the circumstances in which the Church makes them available have changed, and they are being provided by a wider range of ministers. However, differences of understanding have emerged as to the scope of the Council's powers under the 1986 Measure and how far these give the Council sufficient flexibility to cover all these situations and deal adequately with changing conditions within the Church.
13. It is important to ensure clarity as to the Council's powers on these matters, not least in order to prevent what may well be a substantial "leakage" of fee income which would otherwise go to the Church. Consideration is therefore being given to the possibility of amending or replacing the existing legislation. As the next step in this process, DRACSC, with the agreement of the Archbishops' Council, will be consulting widely on a number of proposals regarding parochial fees, and intends to issue a consultation document on them in the near future².

² Further information can be obtained from Margaret Jeffery, Secretary to the Deployment, Remuneration and Conditions of Service Committee at Church House, Great Smith St, London, SW1P 3NZ

CONCLUSION

14. The General Synod is invited to approve the draft Parochial Fees Order 2004 (GS 1553) which the Council has submitted.
15. 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 the draft Order, the Council has the option of *either* sealing the Order as amended by Synod *or* withdrawing the Order for further consideration. The effect of the latter would be that the 2003 Order would remain in force for the time being, as a new Order cannot become law until it has been sealed by the Council.

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