

**GENERAL SYNOD****PAROCHIAL FEES ORDER 2011****Explanatory Memorandum**

1. A draft Parochial Fees Order has been prepared and laid before the General Synod by the Archbishops' Council pursuant to sections 1 and 2 of the Ecclesiastical Fees Measure 1986 ("the 1986 Measure"). The 1986 Measure is amended with effect from 1<sup>st</sup> July 2011 by the Ecclesiastical Fees (Amendment) Measure 2011 ("the 2011 Measure") which received the Royal Assent on 24<sup>th</sup> May this year.
2. The paper from the Archbishops' Council entitled "2012-2014 Fees Order – Rationale: an explanation of the proposed fee levels" (GS Misc 989) explains how the fees contained in the tables set out in Part 1 of the Schedule to the draft Order have been arrived at and members are invited to refer to that paper for information on the policy behind the fees.
3. The Parochial Fees that are payable during a particular year continue to be prescribed by being set out in a table contained in Part 1 of the Schedule to the Order. Part 2 of the Schedule contains incidental and other provision that applies to the fees that are prescribed in the tables in Part 1.
4. The current draft Order differs from previous Parochial Fees Orders in a number of ways. Those differences reflect the fact that Parochial Fees Orders are now to be made under statutory provisions that were substituted by the 2011 Measure for those originally contained in the 1986 Measure.
5. Whereas in the past fees were prescribed as being payable to incumbents and to parochial church councils, they are now prescribed as being payable to diocesan boards of finance and parochial church councils. That reflects one of the most significant changes brought about by the 2011 Measure. (Incumbents in post on 1<sup>st</sup> July 2011 who have not already assigned their fees to the diocesan board of finance and who give notice to the bishop by 31<sup>st</sup> December 2011 will retain their entitlement to fees under transitional provisions contained in the 2011 Measure.)
6. Previous Parochial Fees Orders were made annually and therefore prescribed fees for one calendar year only. The 2011 Measure provided for Orders to be made for a period or periods of up to a maximum of five years in total, with prescribed increases in the fees. The draft Order prescribes fees for three periods, each of one year, with the fees that are payable being set out in the table for the year in question. The Order covers the period from 1<sup>st</sup> January 2012 until 31<sup>st</sup> December 2014.<sup>1</sup> That means that the Archbishops' Council will need to bring a further draft Order before the Synod in 2013. (Were it to become apparent in the meantime that amendments were needed to the Order, an amendment Order could be introduced.)
7. The provision contained in Part 2 of the Schedule omits most of the material that used to be included in Part 2 of the Schedules to previous Parochial Fees Orders. That is because the material in question is now dealt with by way of provision contained in the 1986 Measure

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<sup>1</sup> The Parochial Fees Order 2010, although made under the old provisions of the 1986 Measure, will remain in force until the new Order comes into operation.

itself (as inserted by the 2011 Measure). It is not necessary (or desirable) to repeat it in the Order. Reference should therefore be made to the 1986 Measure as amended for interpretative provisions beyond those that are contained in the Order. (The “Table of Parochial Fees” published annually online by the Ministry Division and routinely referred to by those involved with parochial fees can continue to contain the same level of explanatory information as at present.)

8. Paragraph 2 of Part 2 of the Schedule now makes it clear that the prescribed fee for a certificate issued at the time of baptism is a fee for a legal document in the form of a certified copy of the full entry in the baptism register. It is not a fee for a simple card commemorating the occasion of the baptism, or for anything that might describe itself as a certificate of baptism but which does not amount to a certified copy of the full entry in the baptism register. This reflects the long-standing legal position that no fee is payable in respect of a baptism itself, but only in respect of a legal document prepared by the incumbent where that has been requested.
9. Among the provisions contained in Part 2 of the Schedule to the Order, the most significant, in terms of its being new, is paragraph 3. The 2011 Measure amended the 1986 Measure so that it would be possible in future for a Parochial Fees Order to include provision specifying costs and expenses which are to be included in the prescribed fee for any matter specified in the Order. The draft Order specifies that in the case of marriage services, services of prayer and dedication after civil marriage, services of thanksgiving for marriage, funeral services in church and memorial services in church, any costs or expenses incurred by the parochial church council in making the church available and in heating and lighting it for the service, in making provision for a vergier, caretaker or equivalent, and in administration, are included in the prescribed fee payable to the parochial church council.
10. That does not mean that a parochial church council is under a legal obligation to provide heating, or the services of a vergier, for example. (In some parishes that may simply not be possible.) But it does mean that the parochial church council cannot lawfully make a charge in addition to the prescribed fee in respect of such a cost or expense.
11. The other paragraphs in Part 2 of the Schedule contain provision that is further to or incidental to the fees prescribed in the tables in Part 1.

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