

Please find below frequently asked questions relating to Church of England fees for members of the public, clergy and diocesan officers.

### What are parochial fees?

Parochial fees are fees set by the General Synod and Parliament for certain occasional offices conducted by the Church. The fees are listed on a Fees Table for each year. Parochial fees are legally payable. If there are no 'extras', the parochial fee for the relevant service is the fee that should be charged.

### How are the figures calculated?

The parochial fees for the year from 1 January 2015 are an uplift on 'base' figures which are in the Parochial Fees and Scheduled Matters Amending Order 2014. Those for each year in the period 2016 to 2019 are calculated as an uplift on the amount of the fees in the previous year. The agreed uplift is the increase in the Retail Price Index in September of the year before the fees come into force. So, 2015 fees are the 'base' figures in the Order uplifted by the September 2014 RPI increase (published in October 2014). 2016 fees are the 2015 fees uplifted by the September 2015 RPI increase (published in October 2015). Fees in the years 2017 to 2019 are uplifted in the same way each year as 2016 fees.

The 'base' figures in the 2014 Order are calculated as follows:-

**DBF fees** are built up from assumptions about the costs of ministry (from published statistics) and the likely number of hours needed to provide a good ministry for the particular service.

**PCC fees** include a location/building element based on national statistics for the overall costs of repairs and maintenance of church buildings and the number of hours in use, and an element for administrative staffing based on a secretarial rate of pay.

PCC fees for burials and monuments include an element to provide for long-term maintenance of the churchyard.

Heating of the church and the cost of deploying vergers are not covered by the statutory fees, and so PCCs are able to charge for these items as 'extras', decided locally, if the person paying the fees wishes to have them.

### What does this mean in practice?

New levels of fees come into effect from 1 January in each of the years from 2015 to 2019.

The Order specifies that parochial fees include any costs and expenses incurred in relation to a service for routine administration (including arranging dates and times and the making of entries in registers), making the church available and lighting it. It is unlawful to make any additional charge, besides the parochial fee, for these items.

Parochial fees are prescribed for the list of services and other duties specified in Schedule 1A to the Ecclesiastical Fees Measure, and there is a comparatively simple legislative mechanism for amending the list.

The services and other duties for which parochial fees are prescribed are:

#### **Baptisms**

Certificate issued at time of baptism

- Short certificate of baptism given under Section 2 of the Baptismal Registers Measure 1961 (9 & 10 Eliz. 2 No. 2))

## **Marriages**

- Publication of banns of marriage
- Certificate of banns issued at time of publication
- Marriage service

## **Funerals and burials of persons aged 16 years or more**

- Service in church
- Funeral service in church, whether taking place before or after burial or cremation
- Burial of body in churchyard immediately preceding or following on from service in church
- Burial or other lawful disposal of cremated remains in churchyard immediately preceding or following on from service in church
- Burial of body, or burial or other lawful disposal of cremated remains, in cemetery immediately preceding or following on from service in church
- Cremation immediately preceding or following on from service in church
- Burial of body in churchyard on separate occasion
- Burial of cremated remains in churchyard or other lawful disposal of remains on separate occasion
- Burial of body, or burial or other lawful disposal of cremated remains, in cemetery on separate occasion
- No service in church
- Funeral service (including burial of body) at graveside in churchyard
- Funeral service (including burial or other lawful disposal of cremated remains) in churchyard
- Funeral service in crematorium or funeral service (including burial of body or other lawful disposal of cremated remains) in cemetery
- Burial of body in churchyard (committal only)
- Burial of cremated remains in churchyard or other lawful disposal of remains (committal only)
- Certificate issued at time of burial

## **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) including inscription on existing monument

- Searches in church registers etc
- Searching registers of marriages for period before 1st July 1837—
- Searching registers of baptisms or burials (including provision of one copy of any entry)
- Each additional copy of an entry in a register of baptisms or burials
- Inspection of instrument of apportionment or agreement for exchange of land for tithes deposited under the Tithe Act 1836 (6 & 7 Will. 4 c. 71) and
- Furnishing copies of above (for every 72 words)

The incumbent or priest-in-charge of the benefice concerned will have a right of waiver - after consultation with the churchwardens for PCC fees. However, an incumbent/priest in charge cannot waive fees generally. They may only be waived “in a particular case”.

It remains for each diocese to decide whether to issue its own guidance for policy matters relating to parochial fees that are not covered by legislation, for example in the management income from parochial fees and providing for adequate delivery of the services for which parochial fees are payable.

#### What PCC items are specifically covered by parochial fees?

The 2014 Order specifies that parochial fees include any costs and expenses incurred in relation to a service for routine administration (including arranging dates and times and the making of entries in registers), making the church available and lighting it. It is unlawful to make any additional charge, besides the parochial fee, for these items.

#### What is the process for handling fees?

It is for each diocese to make its own arrangements. Please contact your local parish or the diocesan office for details.

#### Can fees ever be waived?

The incumbent or priest-in-charge of the benefice concerned has a right of waiver - after consultation with the churchwardens for PCC fees. However, an incumbent/priest in charge cannot waive fees generally. They may only be waived “in a particular case”. That means that the incumbent/priest in charge should be prepared to give a reason for any decision to waive a fee.

#### What happens if a retired or self-supporting minister takes the service?

**Legal entitlement** If a parochial fee is payable, the Diocesan Board of Finance part of the fee is legally payable to the DBF, and the Parochial Church Council part is legally payable to the PCC, in the same way as if stipendiary clergy take the service.

**Handling fees** It is for each diocese to make its own arrangements.

**Payments to non-stipended ministers** It is for each DBF to decide whether payments are to be made to those ministers who are not in receipt of a stipend. It is the practice in some dioceses to make such payments to retired stipendiary clergy who take services, but it is possible for a diocese to make payments to other ministers who are not in receipt of a stipend.

Please contact your [local parish](#) or the [diocesan office](#) for details.

#### What about a larger fee if the parish church is a large building?

There is no provision for variable charges according to the size of building. In exceptional cases an additional voluntary contribution may be invited (following consultation in every case with the archdeacon or other diocesan advisor).

#### What about chaplains who take services?

Chaplains (for example hospital chaplains, prison chaplains, school chaplains) have never been entitled to receive parochial fees. Where a chaplain who is a clerk in holy orders or a licensed deaconess, reader or lay worker, officiates at a service in respect of which fees are prescribed under a parochial fees order, as a matter of law the fees belong to the Diocesan Board of Finance and the Parochial Church Council in the same way as they do if parochial clergy officiate. Chaplains can only lawfully take a service for which a parochial fee is prescribed with the consent of the minister who has the primary responsibility for the service (usually the incumbent, but for funerals in a crematorium or burial authority cemetery, the 'minister' of the parish as defined in section 2 of the Church of England (Miscellaneous Provisions) Measure 1992)<sup>1</sup>. If the DBF has decided they can, chaplains who take a service on behalf of an incumbent may receive a payment.

Similarly, it would be for the DBF to decide whether to make a payment to the employer of a chaplain who takes a service on behalf of the incumbent, and with his consent, in the chaplain's employer's time (for example where a service is taken by a hospice chaplain at the request of the family of the deceased) when the service is one in respect of which fees are prescribed to the DBF and the PCC under a parochial fees order.

If the DBF decided to make such a payment, the amount of any such payment (whether to a chaplain or his employer), would be for the DBF to decide.

#### Who can conduct a funeral in a crematorium or a burial authority cemetery

Section 2 of the Church of England (Miscellaneous Provisions) Measure 1992 provides that a minister (as defined in that section)[<sup>1</sup>] of a parish may lawfully conduct a funeral in a crematorium or a burial authority cemetery situated in another parish when he or she is the minister (as defined in section 2 of the Measure) of the parish where

1. the deceased person died, or
2. was resident immediately before death, or
3. was on the church electoral roll immediately before death.

Sometimes, another minister is approached by the family to take the service. It would be unlawful for that minister to take the service without obtaining the consent of the minister who may lawfully take the service under the 1992 Measure.

It is suggested that if another minister is approached to take the service, he should contact the minister who may lawfully take the service, and indicate that he is willing to take the service, in accordance with the family's wishes, on behalf of the minister who may lawfully take the service under the 1992 Measure. If this was acceptable, the PCC of the parish of the minister who may lawfully take the service under the 1992 Measure would organise the service, and receive the PCC fee. The PCC fee remains legally payable to the parish of the minister who may lawfully take the service under the 1992 Measure.

[1] Section 2(6) reads:-

'In this section – "minister", in relation to a parish, means – (a) the incumbent; (b) in a case where the benefice to which the parish belongs is vacant (and paragraph (c) below does not apply), the rural dean; (c) in a case where a suspension period' (having the same meaning as in the Pastoral Measure 1983) 'applies to the benefice to which the parish belongs, the priest-in-charge (if any); and (d) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Pastoral Measure 1983 or by his licence from the Bishop, that vicar.'

#### **What about baptisms?**

It is illegal to charge a fee for the administration of baptism, under the provision of the Baptismal Fees Abolition Act 1872.

There is a fee payable for the supply of a certificate of baptism. It is made clear in the 2014 Order that this means a certified copy of the entry in the register of baptism, in the form prescribed by the Parochial Registers and Records Measure 1978. A fee is also specified for a 'short' certificate under the Baptismal Registers Measure 1961.

No fee is specified for the issuing of 'souvenir cards' that do not comply with the prescribed statutory wording either under the 1978 Measure or the 1961 Measure and thus have no status in law.

#### **Is a fee payable for the funeral or burial of persons aged under 16 years?**

No fee is payable for the burial of a stillborn infant or for the funeral or burial of a person who dies under 16 years old.

Monument fees are payable, if a monument, commemorating the deceased, is to be erected on a separate grave or cremated remains plot for a person under sixteen years of age.

#### **What about fees for services at a Cathedral?**

Parochial fees relating to the parish of which a cathedral is the parish church, which would otherwise be payable to the PCC or the DBF, are now payable to the corporate body of the cathedral.

#### **Marriage Certificate fees (under s63 of 1949 Marriage Act)**

These fees are not parochial fees – they are set by the Secretary of State. From July 2011 they are payable to the PCC. The current fees that apply to certificates issued by clergy who registered the marriage are given in a note on the fees table.

#### **PCC fees for burial or funeral service– how to decide which PCC is due the fee**

Section 1(7) of the Ecclesiastical Fees Measure 1986 (as amended) sets out which Parochial Church Council should receive the PCC part of the fee.

(a) where the fee relates to a burial or funeral service taking place in a church or churchyard, the council of the parish where the church or churchyard is situated.,

(b) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, the council of the parish on whose electoral roll the deceased was entered, provided that where the deceased was entered on the electoral roll of more than one parish, the fee shall be shared equally between each of the councils of those parishes,

(c) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard and the deceased was not entered on any electoral roll, the council of the parish where the deceased had his or her usual place of residence, and

(d) in any other case, the council of the parish where the service or other event to which the fee relates takes place.

#### **DBF fees for burial or funeral service– how to decide which DBF is due the fee**

Section 1(7) of the Ecclesiastical Fees Measure 1986 (as amended) sets out which Diocesan Board of Finance should receive the DBF part of the fee.

(a) where the fee relates to a burial or funeral service which takes place in a church or churchyard, the diocesan board of finance of the diocese in which the church or churchyard is situated,

(b) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, the diocesan board of finance of the diocese within which the deceased was a parishioner, provided that, where the deceased was a parishioner in more than one diocese, the fee shall be shared equally between each of the diocesan boards of finance, and, for this purpose, the parish in question shall be construed in accordance with paragraphs (b) and (c) of the definition of “parochial church council” and “parishioner” shall have effect accordingly, and

(c) in any other case, the diocesan board of finance of the diocese where the service or other event to which the fee relates takes place.

#### **What about ongoing churchyard maintenance?**

The fees for burial of a body, and also monument fees, include a one-off contribution towards the long term upkeep and maintenance of the churchyard.

Neither an incumbent nor a PCC has any power to require the payment of anything over and above the statutory fees.

'Extras' – i.e. payments over and above the statutory fees – can only be demanded in respect of items or services that are genuinely optional – i.e. that individuals can choose to have or not to have as they wish. That is because payments for extras are contractual payments. Each PCC is under a statutory obligation to maintain the churchyard (section 4(1)(ii)(c), Parochial Church Councils (Powers) Measure 1956) so churchyard maintenance cannot be a genuinely optional extra. The PCC is not legally entitled to require other persons to defray the cost of its meeting its statutory duty in that regard.

For responsibility for maintenance see guidance issued by the Pastoral Division of the Church Commissioners *Responsible Care for Churchyards*.

#### **Burial or other lawful disposal of cremated remains**

Sub-paragraph 4(b) of Canon B38 specifies what 'lawful disposal' means:

'The ashes of a cremated body should be reverently disposed of by a minister in a churchyard or other burial ground in accordance with section 3 of the Church of England (Miscellaneous Provisions) Measure 1992 or on an area of land designated by the bishop for the purpose of this sub-paragraph or at sea.'

Separate fees are prescribed for burial (of a body or cremated remains – the same fee applies) in a burial authority cemetery following on, or immediately preceding a service in church, or on a separate occasion, preceding or following a service in church.

#### **Where can marriage services for which statutory parochial fees are payable, be held?**

The Measure prescribes statutory parochial fees for services in a 'church'. The Measure defines 'church' for fees purposes as follows

"church" means a parish church, a parochial chapel, a chapel of ease, a chapel of a conventional district, a place licensed for public worship by the bishop under section 43(1) or a building designated as a parish centre of worship by the bishop under section 43(2) of the Mission and Pastoral Measure 2011 (2011 No.3) and, in relation to marriage only, a public chapel licensed for the solemnization of marriages under section 20 of the Marriage Act 1949 or an authorized chapel within the meaning of section 78(1)(a) of that Act, provided that the marriage takes place in accordance with the licence or as mentioned in section 78(1)(a), as the case may be, but does not include any church or chapel in or belonging to any extra-parochial place which is licensed by the bishop under section 21 of that Act and "churchyard" shall be construed accordingly.'

(Section 10 of the Ecclesiastical Fees Measure 1986 as amended by the Ecclesiastical Fees (Amendment) Measure 2011, the Mission and Pastoral Measure 2011, and the Church of England (Miscellaneous Provisions) Measure 2014.)

#### **Where can funeral services for which statutory fees are payable, be held?**

**church** - "church" means a parish church, a parochial chapel, a chapel of ease, a chapel of a conventional district, a place licensed for public worship by the bishop under section 43(1) or a building designated as a parish centre of worship by the bishop under section 43(2) of the Mission and Pastoral Measure 2011 (2011 No. 3) ...and "churchyard" shall be construed accordingly.'

(extract of Section 10 of the Ecclesiastical Fees Measure 1986 as amended by the Ecclesiastical Fees (Amendment) Measure 2011, the Mission and Pastoral Measure 2011, and the Church of England (Miscellaneous Provisions) Measure 2014.)



**churchyard** - with reference to the definition of 'church' above, includes the curtilage of a 'church' and a burial ground of a 'church', whether or not immediately adjoining a 'church'.

**cemetery** - schedule A1 of the Measure explains that this means a burial ground maintained by a burial authority. (Burial authority is defined in article 1 of Schedule 26 of the Local Government Act 1972 and means the local authority (or joint committee if two or more local authorities have agreed to work together.) charged with the exercise of the functions of a burial authority.)

**crematorium** - section 2 of the Cremation Act 1902 reads 'The expression "crematorium" shall mean any building fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto.'

Services in a cemetery or at a crematorium (3 and 4 above) include services in a cemetery or crematorium chapel. Section 2 of the Church of England (Miscellaneous Provisions) Measure 1992 enables the minister of the parish (as defined in the Measure) to take a service in any cemetery or at a crematorium in another parish, provided, in the case of a cemetery, that the parish is chargeable with the expenses of the cemetery, or in the case of a cemetery or crematorium, that the bishop of the diocese has designated the cemetery or crematorium for the use of the parish.

### When do fees become payable?

Statutory parochial fees are due on the performance of the office. Clergy cannot refuse to conduct a marriage service, or deny burial, on account of non-payment of the fee, or any advance payment in respect of the fee. However, if the service is provided, and the fee is not paid, it is recoverable under law.

### Fees for committal

Committal in a public burial authority cemetery or a crematorium immediately preceding or following on from a service in church.

These fees are listed in the fees table for funerals, burials, and monuments, as 'Burial of body, or burial or other lawful disposal of cremated remains, in cemetery immediately preceding or following on from service in church', and 'Cremation immediately preceding or following on from service in church.'

Fees are built up from assumptions about the costs of ministry and the likely number of hours needed to provide the service.

The fees are not payable if a minister does not attend at the burial authority cemetery or crematorium, as the case may be.

This fee does not include any element for travel expenses

The terms 'Burial authority' and 'crematorium' are defined in legislation -

**Burial authority** is defined in article 1 of Schedule 26 of the Local Government Act 1972 and means the local authority (or joint committee if two or more local authorities have agreed to work together.) charged with the exercise of the functions of a burial authority.

**Crematorium** is defined in section 2 of the Cremation Act 1902, which reads 'The expression "crematorium" shall mean any building fitted with

appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto.'

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