

## GENERAL SYNOD

## THE PAROCHIAL FEES AND SCHEDULED MATTERS AMENDING ORDER 2012

Explanatory Memorandum

1. A draft Parochial Fees and Scheduled Matters Amending 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").
2. The 1986 Measure was amended with effect from 1<sup>st</sup> July 2011 by the Ecclesiastical Fees (Amendment) Measure 2011 ("the 2011 Measure"). Schedule A1 to the 1986 Measure sets out in a list the matters in respect of which fees may be prescribed by a Parochial Fees Order made under the Measure. The 1986 Measure (as amended) also makes provision for that list to be amended by a "Scheduled Matters Amending Order".
3. The draft Order that has been laid before the Synod does two things. First, it amends the list of matters in respect of which parochial fees may be prescribed by removing some of the matters that are currently in the list. Secondly, it goes on to prescribe fees in respect of the matter that remain in the list. The draft order is therefore a combined Scheduled Matters Amending Order and Parochial Fees Order. (The two types of order can be combined because the statutory procedure for making each type of order is the same.)
4. The paper from the Archbishops' Council entitled "Archbishops' Council Guidance for Dioceses" (GS Misc 1015) explains why provision has been included in the draft Order amending the list of matters in respect of which fees may be prescribed. It also explains how the fees contained in the tables set out in Part 1 of the Schedule to the draft Order have been arrived at. Members are invited to refer to that paper for information on the policy behind the draft Order.
5. Article 2 of the draft Order amends Schedule A1 to the 1986 Measure by removing the following services from the list of matters in respect of which parochial fees may be prescribed: Service of Prayer and Dedication after a Civil Marriage, in church; Service of Thanksgiving for marriage in church; Memorial Service in church.
6. The effect of removing those services from the list is that Parochial Fees Orders will not prescribe fees that are payable in respect of those services. Accordingly, any payments to be made in respect of those services will be a matter for agreement between the incumbent, parochial church council and the persons concerned.
7. The Parochial Fees that are prescribed as payable during a particular year continue to be set out in a table contained in Part 1 of the Schedule to the draft 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.
8. The parts of the current draft Order that are concerned with prescribing parochial fees differ 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.
9. 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 who were in post on 1<sup>st</sup> July 2011 who had not already assigned their fees to the diocesan board of finance and who gave notice to the bishop by 31<sup>st</sup> December 2011 retain their entitlement to fees under transitional provisions contained in the 2011 Measure.)

10. 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 two periods, each of one year, with the fees that are payable being set out in the table for the year in question. The draft Order covers the period from 1<sup>st</sup> January 2013 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 2014. (Were it to become apparent in the meantime that amendments were needed to the Order, an amendment Order could be introduced.)
11. 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 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.)
12. Paragraph 2 of Part 2 of the Schedule to the draft Order 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.
13. Another new provision is contained in 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, and funeral services in church whether taking place before or after burial or cremation, any costs or expenses incurred by the parochial church council in respect of routine administration (such as arranging dates and times or the making of entries in registers), making the church available and lighting it for the service are included in the prescribed fee payable to the parochial church council. That means that the parochial church council cannot lawfully make a charge in addition to the prescribed fee in respect of such a cost or expense in relation to a marriage or funeral service. (Heating costs and the cost of vergers are not included in the prescribed fees for these services.)
14. 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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<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.