

GENERAL SYNOD

DRAFT PAROCHIAL FEES AND SCHEDULED MATTERS AMENDING ORDER 2014

Explanatory Memorandum

The Draft Order amends the list of matters in respect of which parochial fees may be prescribed. It goes on to make provision prescribing parochial fees for each year from 2015 to 2019 with annual increases in accordance with the Retail Prices Index.

Background

1. The 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 by the Ecclesiastical Fees (Amendment) Measure 2011 ("the 2011 Measure"). Fees may now be prescribed by a Parochial Fees Order for up to 5 years and increases can be prescribed by reference to a published index of price or earnings increases.
3. A further result of the amendments made by the 2011 Measure is that Schedule A1 to the 1986 Measure now sets out in a list the matters in respect of which fees may be prescribed. The 1986 Measure (as amended) makes provision for that list to be amended by a "Scheduled Matters Amending Order".
4. Some amendments to the list were made by the Parochial Fees and Scheduled Matters Amending Order 2012 (S.I. 2012/993) ("the 2012 Order"). The 2012 Order also prescribed the parochial fees payable for the years 2013 and 2014.
5. *(Draft) 2013-2014 Fees Order: An explanation of the proposed fee levels* (GS Misc 1015) (February 2012) explained the criteria that had been applied by the Archbishops' Council in arriving at the level of fees it proposed should be prescribed. When it considered the 2012 Order the General Synod made some amendments to the level of fees in respect of burials to reflect the cost of churchyard maintenance but otherwise agreed the fees proposed by the Council. The Council accepted the Synod's amendments to the proposed burial fees and made the 2012 Order accordingly.
6. The 2012 Order will expire at the end of 2014.

The draft Order

7. The draft Order makes further amendments to the list of matters in respect of which fees may be prescribed and prescribes parochial fees for the years 2015 to 2019 inclusive.
8. Part 1 of the draft Order contains formal provision concerned with the citation, commencement and interpretation of the Order.
9. Part 2 makes amendments to the list of matters in respect of which parochial fees may be prescribed. The amendments all concern funerals and burials and have been included in the draft Order in order to address various issues that have been identified – by dioceses or by the Archbishops' Council – with the items concerning funerals and burials in the existing list.
10. The list will now make a distinction between the burial of a body and the burial of cremated remains in a churchyard immediately preceding or following on from a service in church (so

that a higher fee can be prescribed as payable to the parochial church council for the burial of a body than for the burial of cremated remains). (See article 2(2) of the draft Order. Article 2(3) and (4) are consequential amendments.)

11. The list will now also make a clear distinction between the situation where the full funeral service, including the burial of the body, is held at the graveside and the situation where a burial accompanied only by the committal takes place (the funeral service itself taking place elsewhere). (See article 2(5), (7) and (8). Article 2(6) is a consequential amendment.)
12. The list employs the concept of “lawful disposal” of cremated remains but this has led to some confusion. A definition of “lawful disposal” is added to the definitions contained in Part 2 of Schedule A1 to the 1986 Measure to make it clear that it means disposal in a manner permitted by canon. (Canon B 38.4(b) provides that the ashes of a cremated body are to be reverently disposed of by a minister in a churchyard or other burial ground or on an area of land designated by the bishop or at sea.)
13. Part 3 and Schedule 1 make provision prescribing the parochial fees for each of the years 2015 to 2019.
14. The table in Schedule 1 does not itself prescribe the fees that are payable. It sets out “base figures” which represent the level of parochial fees at current prices. (The base figures have been arrived at by applying the criteria that were set out by the Archbishops’ Council in GS Misc 1015, subject to the amendments to the fee levels in respect of burials that were made by the General Synod in February 2012 (see paragraph 5 above). There has therefore been no change in the policy regarding the level at which the fees are set.)
15. The fees that will actually be payable for each year covered by the Order are to be ascertained by adjusting the base figures in accordance with the Retail Prices Index in the manner specified by article 6 of the Order.
16. The fees payable for the year 2015 will be the base figures increased by the percentage increase in the Retail Prices Index over 12 months as at September 2014. The relevant percentage figure will be published by the Office of National Statistics in October 2014 at which point Archbishops’ Council staff will carry out the necessary calculations and publish a table showing the fees that are payable for 2015.
17. The fees will increase each year after 2015, again by reference to the percentage increase in the Retail Prices Index over 12 months as at September of the preceding year. The Archbishops’ Council will publish a table each year showing the fees that are payable.
18. Should the Retail Prices Index go down (i.e. if there is deflation) the fees payable will remain at the same level as in the previous year.
19. Schedule 2 contains incidental provisions that are to the same effect as those that were contained in the 2012 Order but which are presented slightly differently to make them easier to follow. Paragraph 5 takes account of an amendment made to the list in Schedule A1 to the 1986 Measure by Part 2 of the Order.