

GENERAL SYNOD**DRAFT ECCLESIASTICAL FEES (AMENDMENT) MEASURE
REPORT OF THE STEERING COMMITTEE OF MEMBERS IN CHARGE**

Chair: The Right Reverend John Packer, Bishop of Ripon and Leeds (Chair)

Members: Mr Timothy Allen (St Edmundsbury and Ipswich)
The Reverend Moira Astin (Oxford)
Mr Justin Brett (Oxford)
The Venerable Adrian Harbidge (Winchester)
Mr Robert Hammond (Chelmsford)

1. The draft Ecclesiastical Fees (Amendment) Measure ('the draft Measure') received First Consideration from the General Synod at the February 2009 group of sessions and was committed to a Revision Committee. At the July 2009 group of sessions the Synod took note of the report of that Committee (GS 1715Y) and completed the Revision Stage for the draft Measure which then stood committed to the Steering Committee under Standing Order 59(a) in respect of its Final Drafting.
2. The Steering Committee has conducted its remaining business by correspondence under Standing Order 59(f). It now returns the draft Measure (GS 1715B) to the Synod for Final Drafting and Final Approval.
3. Under Standing Order 59, on the Final Drafting Stage the Steering Committee may propose 'Drafting Amendments' or 'Special Amendments' or both. These two categories of amendments are defined in SO 59(g) as follows –
 - (i) a Drafting Amendment means an amendment where only the wording of the Measure is altered and not its substance; and
 - (ii) a Special Amendment means an amendment considered necessary or desirable by the Steering Committee because the Measure is not sufficiently clear or because some other criticism not considered by the Synod or any Revision Committee has been brought to the notice of the Steering Committee.
4. The Steering Committee has agreed the Drafting Amendments set out in Part 1 of Annex A, and shown in bold type in GS 1715B, which have been identified on final scrutiny of the draft Measure as necessary corrections to the text. An explanation for each of these Drafting Amendments is given in Part 2 of Annex A.
5. The Steering Committee also proposes the Special Amendments set out in Part 1 of Annex B which appear to it to be necessary to give full effect to the policy of the Measure. An explanation for each of the proposed Special Amendments can be found in Part 2 of Annex B.

**On behalf of the Committee
+ John Ripon & Leeds
Chair**

9 June 2009

PART 1

DRAFTING AMENDMENTS

Clause 5

1. In subsection (2), after the words “shall, if” insert the words “he or she”, in paragraph (a), at the beginning, leave out the words “he or she” and for the words “entitled to receive that fee” substitute the words “entitled to receive the fee which would, apart from this subsection, be payable to the diocesan board of finance or the corporate body of the cathedral, as the case may be”.

Schedule 2

2. In Schedule 2, after paragraph 3 insert –

“The Parochial Registers and Records Measure 1978 (1978 No. 2)

- 4 Section 20 of the Parochial Registers and Records Measure 1978 shall be amended as follows –

- (a) in subsection (2)(b), for the word “incumbent” there shall be substituted the words “diocesan board of finance”;
- (b) in subsection (3), after the word “incumbent” there shall be inserted the words “and to the parochial church council of the parish”; and
- (c) for subsection (5) there shall be substituted the following subsection –

“(5) Nothing in subsections (2) and (3) above shall be taken as affecting the powers of local authorities under section 1 of the Local Government (Records) Act 1962 (power to promote adequate use of records).”

PART 2

EXPLANATION OF DRAFTING AMENDMENTS

1. The first Drafting Amendment improves the form and manner in which clause 5(2) is stated.
2. The second Drafting Amendment inserts further consequential amendments into Schedule 2. These relate to provisions concerning search fees contained in section 20 of the Parochial Registers and Records Measure (where certain references, such as those to incumbents’ fees, will no longer be correct). The amendment also removes redundant provisions relating to the payment of fees to sequestrators during
3. a vacancy in a benefice by restating section 20(5) of the 1978 Measure with the omission of those redundant provisions.

PART 1

SPECIAL AMENDMENTS

Clause 1 – Publication of banns of marriages

1. After subsection (13) of section 1 inserted by clause 1(1) insert –

“(14) Subsection (1) shall apply in relation to banns of matrimony published by a layman under section 9(2) of the Marriage Act 1949 (12, 13 & 14 Geo. 6 c. 76) as it applies in relation to banns of matrimony published by a clerk in holy orders.”.

Clause 1 – Searches in register books

2. After subsection (14) (as inserted above) of section 1 inserted by clause 1(1) insert –

“(15) Subsection (1) shall apply in relation to searches allowed to be made in a register book of baptisms or burials and to the giving of certified copies of entries in such a book by a churchwarden under section 20(1) of the Parochial Registers and Records Measure 1978 (1978 No. 2) as it applies in relation to searches allowed and copies of entries given by an incumbent or priest in charge.”.

PART 2

EXPLANATION OF SPECIAL AMENDMENTS

1. The Marriage Act 1949 makes provisions whereby, in certain circumstances, banns of marriage may be published by a lay person (described in the 1949 Act as a “layman”). As the draft Measure currently stands a fee would not be payable under a Parochial Fees Order in such circumstances. The new subsection (14), inserted by the first Special Amendment, will mean that the power to make Parochial Fees Orders contained in the new section 1(1) covers the situation where banns are published by a lay person.
2. Where a benefice is vacant and a priest in charge has not been appointed the register books of the parish are in the legal custody of the churchwardens. In those circumstances the churchwardens are obliged (in the same way that an incumbent or priest in charge would be) to allow searches to be made in the register books of baptisms or burials. As the draft Measure currently stands, the power to make Parochial Fees Orders does not include the power to prescribe fees for searches in register books that are in the custody of churchwardens (rather than incumbents or priests in charge). The second Special Amendment will have the effect that such a power is included.

**Published by the General Synod of the Church of England
and on sale at the Church House Bookshop**

31 Great Smith Street, London SW1P 3BN

Copyright © The Archbishops' Council 2010

£5