

STATUTORY INSTRUMENTS

2002 No.

ECCLESIASTICAL LAW, ENGLAND

FEES

The Legal Officers (Annual Fees) Order 2002

Made (Approved by the General Synod) July 2002

Laid before Parliament July 2002

Coming into force 1st January 2003

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(a), in the exercise of the powers conferred by section 5 do hereby order as follows—

1. The Fees appearing in the Schedule to this Order are established. The Tables of the Schedule contain particulars of the Annual Fees which are to be received, after the commencement of this Order, by the legal officers named in Table I of the Schedule (hereinafter referred to as "Table I") in respect of the carrying out by them of the duties of their offices specified in the Appendix hereto (hereinafter referred to as "the Appendix") and by the legal officers named in Table II of the Schedule in respect of the carrying out by them of the duties of their offices.
2. The Fees established and set out in the second column of Table I of the Schedule are to paid by the diocesan board of finance. The Fees established and set out in the third column of Table I and in Table II of the Schedule are the liability of the diocesan bishop or archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986.
3. The Legal Officers (Annual Fees) Order 2001(b) is hereby revoked.

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- (a) 1986 No. 2; amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1), Schedule 6, the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No. 2), section 14, the Care of Places of Worship Measure 1999 (1999 No. 2), Schedule 2 and the Church of England (Miscellaneous Provisions) Measure 2000 (2000 No. 1), section 16
- (b) S.I. 2001/2665

4. The diocesan registrar shall perform the duties and provide the professional services set forth in the Appendix in consideration of the annual fee set out in Table I to this Order for his diocese and shall not be entitled to receive any other remuneration for such duties or services save as provided by this Order.

5. (a) Subject to the provisions of this paragraph nothing in this Order shall preclude a diocesan board of finance from agreeing to pay an additional fee to a diocesan registrar by way of annual fee or retainer (hereinafter called a "supplementary annual fee") which is in addition to the annual fee payable under Table I.

(b) An agreement made under sub-paragraph (a) above shall be expressed to be an agreement for a payment by way of supplementary annual fee.

(c) An agreement made under sub-paragraph (a) above shall be in writing. The period for which the agreement is to run shall be stated in the agreement. In the absence of any such statement the agreement shall remain binding until determined by not less than three months' notice on either side.

(d) The body responsible for paying a supplementary annual fee shall be the diocesan board of finance.

6. A fee specified in the Schedule to this Order shall be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

7. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order (including any fee specified in paragraph 4 of the Appendix) there shall be payable in addition to that fee the amount of the Value Added Tax.

8. This Order may be cited as the Legal Officers (Annual Fees) Order 2002 and shall come into operation on the first day of January 2003.

Dated this 15th day of May 2002

J Laws
G F Tattersall
H M Morgan
M G S Farrell
C A Pym
T E Allen

Approved by the General Synod
the [] day of July 2002

D M Williams
Clerk to the Synod

APPENDIX

THE SCOPE OF THE ANNUAL FEE

1. Subject to the restrictions contained in paragraphs 2 and 3 hereof, the professional services provided by the diocesan registrar in respect of the annual fee paid to him under this Order shall include—
 - A. Giving of advice to the Diocesan Bishop, Suffragan Bishops, Archdeacons, Chairmen of the Houses of the Diocesan Synod, Rural Deans and Lay Chairmen of Deanery Synods, Incumbents and all other clergymen, beneficed or licensed in the diocese, on any legal matter properly arising in connection with the discharge of their respective ecclesiastical or synodical offices, and giving of advice to chairmen and secretaries of diocesan boards, councils and committees on any legal matter properly arising in connection with the business of the respective boards, councils and committees;
 - B. Acting as Registrar to the Diocesan Synod and attendance at its meetings;
 - C. Attendance at the Bishop's Council and Standing Committee if required by that Committee;
 - D. Occasional attendance at meetings of diocesan boards, councils and committees for the purpose of giving advice on specific matters;
 - E. Maintaining of all such records of the diocese as are customarily kept by the diocesan registrar including the making of entries therein, and the making of searches and reports on matters recorded in the Registry or in documents held in the diocesan muniment room at the request of persons or bodies referred to in sub-paragraphs A and F hereof;
 - F. Giving of advice to churchwardens and secretaries of PCCs on any legal matter properly arising in connection with their duties or official business;
 - G. Giving of advice to any person concerned in or with the administration of an election under the Church Representation Rules on any question properly arising under those Rules;
 - H. Giving of advice to a bona fide enquirer concerning the law of marriage, baptism, confirmation and burial of the dead according to the rites and ceremonies of the Church of England;
 - I. Giving of advice to persons considering or proposing to make an application for a legal aid certificate for financial assistance from the ecclesiastical legal aid

fund maintained under section 1 of the Church of England (Legal Aid) Measure 1994;

- J. Acting as Registrar to the Consistory Court of the diocese except in so far as a separate fee is prescribed by Order made under the Ecclesiastical Fees Measure 1986 or except in so far as this Order provides that a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994 is payable;
- K. Attendance at episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese);
- L. Drafting or preparing, approving, engrossing and registering of all notices, licences, consents, permissions, instruments and other documents required by law or customarily used in connection with the following matters—

Ordination

Certification of Ordination

Presentation to a Benefice

Commission for Institution or Collation

Admission to Freehold Office

Certification of Institution or Collation

Licensing of Non-Residence, for legalising house of residence

Resignation (other than resignation of an incumbent)

Under the Pastoral Measure 1983—

admission to office of rector for term of years

licensing of vicar in a team ministry or for extending term of years of rector or vicar in a team ministry

designation of a parish centre of worship under Part II of the Measure for the purposes of the Marriage Act 1949 and other purposes

Licensing of clerks in holy orders and deaconesses

Delegation by bishop of episcopal and archidiaconal powers under the Dioceses Measure 1978 and Church of England (Miscellaneous Provisions) Measure 1983

Episcopal visitations (other than visitations by the Diocesan Bishop of the Cathedral Church of the diocese)

Matters relating to sequestrations

Provision of agreements to form a Conventional District

Consent to hold preferment under the Ecclesiastical Jurisdiction Measure 1963

Licensing of unconsecrated churches or places of worship (including temporary licences)

Ordering of Licensed Chapel to come under Faculty Jurisdiction;

M. Acting in relation to the following matters on the instructions of the Diocesan Bishop, Suffragan Bishops, Archdeacons or on the instructions of a diocesan board or council whose business properly includes such matters—

Consecration of a Church and Burial Ground or a Church without a Burial Ground

Consecration of a Cemetery or Burial Ground

Preparation and Registration of documents required under the Consecration of Churchyards Act 1867 for the consecration of additions to churchyards

Licensing of a Building for Marriages

Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (in relation to a guild church in the City of London);

N. Work in connection with the following matters—

Maintaining the register of patrons ("the register") under Part I of the Patronage (Benefices) Measure 1986 ("the 1986 Measure") as required by section 1(1) of the 1986 Measure

Searches in and making of extracts from the register, enquiries as to entries in the register and supplying certified copies of entries in the register, where the search, extract or enquiry is made or the certified copy is requested by or on behalf of a person or body referred to at the commencement of sub-paragraph M or by the designated officer (within the meaning of section 7(5) of the 1986 Measure)

Receipt and issue of notices and notification of representations under section 3(3) and (4) of the 1986 Measure.

2. The provisions of paragraph 1 hereof shall be restricted as follows—

(a) Where the Registrar receives a request for advice on any matter properly falling within paragraph 1 sub-paragraphs A, E, F, G and H—

(i) he shall not be required to correspond with a third party involved in the enquiry

(ii) before giving advice he shall first consider whether the matter on which his advice is sought is one which can conveniently be dealt with by the diocesan secretary or some other person or body in the diocese rather than by himself

(iii) if a legal dispute arises between parties who are both church officers he may decline to advise either party, but he shall be at liberty to

advise both parties with a view to helping them to resolve their dispute if in his judgement it is desirable to do so;

- (b) The Registrar shall not be required to attend meetings of diocesan boards, councils and committees except upon an occasional basis to give legal advice on specific matters. (He may attend such meetings regularly to give general advice and assistance if requested to do so by the board, council or committee in question and in that case he shall be entitled to be separately remunerated for this work.)

3. The provisions of paragraph 2(a) hereof shall not apply to advice and assistance given as legal secretary or diocesan registrar to the Diocesan Bishop, or as diocesan registrar to Suffragan Bishops or Archdeacons.

4. For the avoidance of doubt work in connection with the following matters shall not fall within the scope of the annual fee but a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994 shall be payable—

- (i) Conveyancing and drafting of documents other than those referred to in paragraph 1 sub-paragraphs L and M hereof;
- (ii) Matters relating to individual diocesan, parochial or educational trusts or to individual pieces of diocesan glebe property;
- (iii) Litigation;
- (iv) Acting as secretary to the Vacancy in See Committee constituted under The Vacancy in See Committees Regulation 1993 on a vacancy in the see of the Diocesan Bishopric;
- (v) Deposition or deprivation consequent upon proceedings in secular courts, including the following—
 - (a) Service of notice on priest or deacon of intention to depose him from Holy Orders under rule 49(1) of the Ecclesiastical Jurisdiction (Discipline) Rules 1964 (the fee is payable by the bishop)
 - (b) Carrying out of a duty or exercising of a discretion following proceedings referred to in section 55 of the Ecclesiastical Jurisdiction Measure 1963 (the fee is payable by the bishop);
- (vi) Advice or other work in connection with proceedings against a clerk in Holy Orders under the Ecclesiastical Jurisdiction Measure 1963 in respect of an ecclesiastical offence which have been instituted under that Measure or are

under consideration or in connection with an allegation of such an offence which is under investigation with the knowledge and approval of the bishop (excluding advice and other work for which a fee is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986). (The fee is payable by the bishop.)

- (vii) Advice or other work in connection with the revocation by reason of misconduct of a licence granted by the bishop to a Clerk in Holy Orders, deaconess or lay worker or reader to minister in the diocese, or in connection with a revocation of such a licence which is under consideration or with an allegation of misconduct by such a person which might lead to such a revocation and which is under investigation with the knowledge and approval of the bishop. (The fee is payable by the bishop.)
- (viii) Advice to the diocesan bishop or other work carried out at his request in connection with proceedings or possible future proceedings under the Incumbents (Vacation of Benefices) Measures 1977 and 1993 in a case where notice has been given to the bishop under section 1A (1A) of the Incumbents (Vacation of Benefices) Measure 1977 or the giving of such notice is under consideration. (The fee is payable by the bishop.)
- (ix) Pronouncing of censure under section 31 of the Ecclesiastical Jurisdiction Measure 1963 with the consent of the accused (the fee is payable by the bishop);
- (x) Work undertaken on behalf of a person who is not an official in the diocese or on behalf of a body which is not a diocesan board or council in connection with the following matters—

Consecration or licensing of a public cemetery, a private burial ground or a private chapel

Licensing the chapel of an extra-parochial place for a marriage of persons living or residing within that place

Notification under section 2 of the Benefices (Transfer of Rights of Patronage) Measure 1930 (in relation to a guild church in the City of London) (the fee to be paid in such proportions as may be agreed between the transferor and the transferee, and in the absence of such agreement the fee to be paid by the transferee);

- (xi) Removal of the legal effects of consecration under section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

(xii) Work carried out in relation to the register of patrons under Part I of the Patronage (Benefices) Measure 1986 where a fee calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994 is payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order for the time being in force made under section 6 of the Ecclesiastical Fees Measure 1986;

(xiii) Acting as Chapter Clerk (whether or not the Diocesan Registrar holds the office of Chapter Clerk) and in particular doing the following work, namely work in connection with the following matters—

Installation to a Deanery

Installation to a Canonry or Prebend (whether Residentiary or Honorary)
or to an Archdeaconry

Admission to a Minor Canonry

(These fees are payable out of Cathedral Revenues);

(xiv) Attendance at and work in connection with any visitation by the Diocesan Bishop of the Cathedral Church of the Diocese and in connection with any action taken or proposed to be taken by the Diocesan Bishop under the Care of Cathedrals (Supplementary Provisions) Measure 1994.

5. If any disbursements other than expenses specified in paragraph 6 of this Order are incurred in the course of providing any of the professional services in paragraph 1 above the diocesan registrar shall be entitled to charge for them separately.

SCHEDULE

TABLE I

ANNUAL FEES PAYABLE TO DIOCESAN REGISTRARS (SUBSTITUTED FOR TABLE I OF THE SCHEDULE TO THE LEGAL OFFICERS (ANNUAL FEES) ORDER 2001)

<i>Diocese</i>	<i>Payable by Diocesan Board of Finance £</i>	<i>Liability of the Diocesan Bishop £</i>	<i>Total £</i>
Bath & Wells	28,229	16,577	44,806
Birmingham	17,777	13,943	31,720
Blackburn	18,863	16,751	35,614
Bradford	12,920	17,044	29,964
Bristol	17,005	13,327	30,332
Canterbury	19,854	15,600	35,454
Carlisle	20,529	14,188	34,717
Chelmsford	31,428	18,367	49,795
Chester	22,559	15,304	37,863
Chichester	25,491	18,715	44,206
Coventry	15,947	15,822	31,769
Derby	19,225	15,744	34,969
Durham	19,307	16,862	36,169
Ely	20,446	15,960	36,406
Exeter	29,309	17,130	46,439
Gloucester	21,529	15,346	36,875
Guildford	15,316	16,053	31,369
Hereford	20,969	15,836	36,805
Leicester	19,917	13,850	33,767
Lichfield	27,854	17,663	45,517
Lincoln	32,645	13,244	45,889
Liverpool	18,519	16,389	34,908
London	29,927	19,433	49,360
Manchester	21,072	18,714	39,786
Newcastle	17,999	12,921	30,920
Norwich	33,551	13,846	47,397
Oxford	41,903	13,694	55,597

Peterborough	21,011	17,481	38,492
Portsmouth	11,708	17,043	28,751
Ripon & Leeds	16,242	13,966	30,208
Rochester	18,914	15,364	34,278
St Albans	23,254	17,023	40,277
St Edmundsbury & Ipswich	25,286	16,367	41,653
Salisbury	28,054	15,903	43,957
Sheffield	17,230	14,868	32,098
Southwark	22,405	19,775	42,180
Southwell	18,899	16,001	34,900
Truro	18,722	13,796	32,518
Wakefield	16,611	15,729	32,340
Winchester	21,542	16,647	38,189
Worcester	16,486	15,299	31,785
York	28,235	17,419	45,654

TABLE II

**FEES PAYABLE TO THE PROVINCIAL REGISTRARS
(SUBSTITUTED FOR TABLE II OF THE SCHEDULE TO THE
LEGAL OFFICERS (ANNUAL FEES) ORDER 2001)**

	Fee
	£
1. Annual fee for Joint Registrars of the Province of Canterbury	89,630
2. Annual fee for Registrar of the Province of York	31,127

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order increases the annual fees for diocesan registrars fixed by the Legal Officers (Annual Fees) Order 2001.

The Order also fixes new annual fees for the provincial registrars.

The Order will come into force on 1st January 2003.

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