

GENERAL SYNOD**DRAFT PAROCHIAL FEES ORDER 2008****EXPLANATORY MEMORANDUM BY THE ARCHBISHOPS' COUNCIL****INTRODUCTION**

1. Under the Ecclesiastical Fees Measure 1986¹ ('the 1986 Measure'), the fees that the Church of England can charge in respect of marriages and funerals are set out annually in a Parochial Fees Order. In general, the fees charged in connection with burials in cemeteries and services in crematoria, monuments in churchyards and searches in church registers are also fixed by this Order. The draft Order is agreed by the Archbishops' Council and laid before the General Synod for its approval; the final Order is also subject to a right of veto by each House of Parliament.

2. In 2005, parochial fees produced around £44m, of which almost £16m contributed towards the cost of paying stipends to the clergy – which represented 8.2% of the total stipends bill. The remainder was raised for PCCs (and includes non-statutory payments for optional extras, such as flowers and the services of third parties such as organists and bell ringers).

The increase from 1 January 2008

3. Last year the Deployment, Remuneration, and Conditions of Service Committee of the Archbishops' Council ('DRACSC') recommended an increase of 3% (in line with the increase in the National Stipends Benchmark) from 1 January 2008 for all fees except for burials. For these, it recommended a 10% increase. The Council agreed with DRACSC's recommendation.

4. The General Synod, after some debate, amended the Order so that the PCC part of the fees for burial of cremated remains in a churchyard should be increased so that the total fee for burial of cremated remains in a churchyard should be one half of the total fee for a burial of a body in a churchyard either on a separate occasion, or with no service in church.

5. The Archbishops' Council decided to make the Order as amended by the Synod.

Proposals to amend the 1986 Measure

6. At the February 2008 group of sessions, the Synod was asked to give First Consideration to a draft Measure to amend the 1986 Ecclesiastical Fees Measure. The draft Measure was intended to bring into force legislation to implement some of the recommendations of the Parochial Fees Primary Legislation Review Group, whose report *Four Funerals and a Wedding* (GS Misc 877) was also before Synod. The Synod decided to adjourn debate on the draft Measure, and there will be further debate on the report at the July 2008 group of sessions.

THE PRESENT DRAFT ORDER**The increase from 1 January 2009**

7. Despite the proposed changes to the legislation relating to parochial fees, it is still necessary for the Synod to continue to consider Parochial Fees Orders under the existing

1 As amended by the National Institutions of the Church of England (Transfer of Functions) Order 1998.

legislation to bring into force the normal annual increase. The Parochial Fees Order 2008 is accordingly now laid before the Synod to increase fees in 2009.

8. In April the usual consultation about the increase from 1 January 2009 took place. Those consulted included professional associations of funeral directors, burial and cremation authorities, the National Association of Memorial Masons, the Ecclesiastical Law Association, the Churches Main Committee, the Council for the Care of Churches, the General Register Office, the Association of Family History Societies, as well as the Bishop of Hereford and the Reverend Andrew Body, joint chairs of the Family Life And Marriage Education Network ('Flame').

9. At its May meeting DRACSC decided unanimously to recommend to the Council a 3% increase in the level of fees generally, in line with the recommended increase in stipends. Given the intention to have further debate on *Four Funerals and a Wedding* at the July group of sessions, the Committee felt that there should not be any changes besides the usual annual increase.

10. The Archbishops' Council has accepted the recommendation made by DRACSC.

Conclusion

11. Under the Ecclesiastical Fees Measure 1986, as amended by the National Institutions of the Church of England (Transfer of Functions) Order 1998, the draft Order has to be laid before the General Synod. Where the Business Committee determines that a draft Parochial Fees Order does not need to be debated by the Synod, the draft order shall be deemed to have been approved by the General Synod without amendment unless notice is given by a member of General Synod that he or she wishes the draft order to be debated or to move an amendment to the draft order.

12. The General Synod is, therefore, invited to approve the draft Parochial Fees Order 2008 (GS 1698) which the Council has submitted.

13. If it is so approved, the Council will make the Order by sealing it. It will thereafter need to be laid before both Houses of Parliament in accordance with the requirements of the 1986 Measure. If the Synod amends it, the Council has the option of *either* sealing the Order as amended by Synod *or* withdrawing the Order for further consideration. The effect of the latter would be that the 2007 Order would remain in force for the time being, as a new Order cannot become law until it has been sealed by the Council.