

## GENERAL SYNOD

### LEGAL ADVISORY COMMISSION

#### WEDDINGS AND FUNERALS : ADDITIONAL CHARGES

1. The only charges that may be made at weddings or funerals are those either prescribed pursuant to the current Parochial Fees Order or set by the parochial church council pursuant to the Parochial Church Council (Powers) Measure 1956, section 4, in respect of ‘extras’ that are not covered by the Parochial Fees Order<sup>1</sup>.
2. The current Parochial Fees Order<sup>2</sup> makes provision for the fee for the celebration of a marriage service in church. It also makes provision for the fees to be paid for any funeral service in church and for any burial or interment in a churchyard either immediately preceding or following on from a service in church or on any separate occasion. For these purposes a “churchyard” includes the curtilage of a church and a burial ground of a church (whether or not immediately adjoining such church)<sup>3</sup>.
3. The Parochial Fees Order provides, in relation to a marriage service in church or a funeral in church, that:

“any costs and expenses incurred in respect of routine administration (including arranging dates and times and the making of entries in registers), making the church available and lighting it are included in the fee payable to the parochial church council.”<sup>4</sup>

It is accordingly illegal to make any additional charge to those specified in the fees order in relation to any of these matters in any circumstances.

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<sup>1</sup> “(1) Subject to the provisions of any Act or Measure ... and to anything lawfully done under such provisions, the council of every parish shall have – (ii) the like powers, duties and liabilities as, immediately before the relevant date, the churchwardens of each parish had with respect to – (a) the financial affairs of the church including the collection and administration of all moneys raised for church purposes and the keeping of accounts in relation to such affairs and moneys ....” The current (2019) Table of Parochial Fees issued by the Archbishops’ Council states: “The fees shown in the table do not include charges for heating, the services of a vergier, music (e.g. organist, choir) bells, and flowers, **which are fixed by the Parochial Church Council**” (emphasis supplied). However, this table merely summarises the effect of the actual Order and has no legal authority of itself: see <https://www.churchofengland.org/sites/default/files/2018-11/Fees%20Table%202019%20A4%20all%20v3.0.pdf>.

<sup>2</sup> The Parochial Fees and Scheduled Matters Amending Order 2014 (SI 2014/813).

<sup>3</sup> See Ecclesiastical Fees Measure 1986, section 10. For the meaning of “on separate occasion”, “immediately preceding” and “following in” see *ibid* Schedule A1, part 2, paragraph 1.

<sup>4</sup> The Parochial Fees and Scheduled Matters Amending Order 2014 (SI 2014/813), Schedule 2, paragraph 2. This provision is made in reliance on section 1(3) of the Ecclesiastical Fees Measure 1986.

4. The parochial church council cannot prescribe the payment of any sum (whether by deposit or otherwise) in respect of items that are not genuine extras. In particular, the PCC cannot prescribe its own additional fees for any matter which is covered by the statutory fee prescribed in the Parochial Fees Order. This is because the PCC has no power under section 4 of the Parochial Church Councils (Powers) Measure 1954 to prescribe parochial fees; the authority for the PCC to levy parochial fees is contained solely in the Parochial Fees Order. For example, if a non-parishioner is to be buried in a churchyard, no charge over and above the statutory fees may be demanded, nor any charge made, for the provision of the burial space by the PCC.<sup>5</sup>
5. The parochial church council may, however, set charges or fees for any “extras”, such as charges for heating, the services of a vergger, music (e.g. organist, choir) bells, and flowers. Whether the couple to be married, or those arranging a funeral, wish to avail themselves of any of these extras, and the amount to be paid in respect of them if they do, is a matter for their agreement and extras cannot be imposed upon them unilaterally.
6. In setting charges for such extras the parochial church council can include an additional sum to be payable if the wedding ceremony or funeral is delayed due to any fault other than that of the church or of the minister provided by the church. If they do so, the charge must not be at large. It must be calculable on a set basis and the circumstances in which it is payable must be clearly ascertainable.
7. The PCC may require the payment of a deposit in respect of agreed extras. However, no deposit may be demanded, nor any charge made, for any delay unless the parochial church council has made such provision in advance and this is brought to the attention of those arranging the wedding or the funeral and agreed by them.

February 2019

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<sup>5</sup> However, a faculty for the reservation of a grave space may be made conditional upon a payment to the PCC, for example, for the continued maintenance of the churchyard.