



# Ecclesiastical Fees Measure 1986

1986 No. 2

## Commencement Information

**II** Measure not in force at Royal Assent see [s. 12\(3\)](#); Measure wholly in force at 01.09.1986

## PART I **E**

### *Parochial Fees*

#### **[<sup>F1</sup>1** Preparation of Parochial Fees Order **E**

(1) The Archbishops' Council may prepare a draft of an order (to be known as a “Parochial Fees Order”) which prescribes, subject to subsection (8), the amount of the parochial fees payable to a parochial church council or to a diocesan board of finance or to both in respect of the matters set out in Schedule A1 where those matters relate to duties carried out by a clerk in holy orders or by a duly [<sup>F2</sup>authorised] deaconess, reader or lay worker.

[<sup>F3</sup>(1A) Subsection (1) does not apply to matters which relate to duties carried out in the course of employment by a university, college, school, hospital or public or charitable institution.]

(2) A draft order prepared under subsection (1) may prescribe that no fee shall be payable in respect of any matter that may be specified.

(3) A draft order prepared under subsection (1) may contain such incidental matters as the Archbishops' Council shall consider necessary or desirable, which may include provision specifying costs and expenses which are to be included in the prescribed fee in respect of any specified matter.

(4) Subject to subsection (5), a draft order prepared under subsection (1) may prescribe fees for a period or periods, not exceeding, in total, a period of 5 years and any increase in fees may be prescribed by specifying that increase or by means of an arithmetical

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formula or a formula related to a published index of price or earnings increases which is of general application or by means of a combination of both such formulas.

- (5) If, before the expiry of the period for which fees have been prescribed by a Parochial Fees Order, the Archbishops' Council has not made a further order, or has made a further order which has been annulled in pursuance of a resolution of either House of Parliament, the fees prescribed by the Parochial Fees Order shall continue in force until a further order comes into force.
- (6) The Archbishops' Council may prepare a draft of an order to amend Schedule A1 by altering, omitting or adding to any of the matters set out, including any note in Part 2 (referred to in this Measure as a “Scheduled Matters Amending Order”).
- (7) In this section—
- “parochial church council” means—
- (a) where the fee relates to a burial or funeral service taking place in a church or churchyard, the council of the parish where the church or churchyard is situated,
  - (b) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, the council of the parish on whose electoral roll the deceased was entered, provided that where the deceased was entered on the electoral roll of more than one parish, the fee shall be shared equally between each of the councils of those parishes,
  - (c) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard and the deceased was not entered on any electoral roll, the council of the parish where the deceased had his or her usual place of residence, and
  - (d) in any other case, the council of the parish where the service or other event to which the fee relates takes place;
- “diocesan board of finance” means—
- (a) where the fee relates to a burial or funeral service which takes place in a church or churchyard, the diocesan board of finance of the diocese in which the church or churchyard is situated,
  - (b) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, the diocesan board of finance of the diocese within which the deceased was a parishioner, provided that, where the deceased was a parishioner in more than one diocese, the fee shall be shared equally between each of the diocesan boards of finance, and, for this purpose, the parish in question shall be construed in accordance with paragraphs (b) and (c) of the definition of “parochial church council” and “parishioner” shall have effect accordingly, and
  - (c) in any other case, the diocesan board of finance of the diocese where the service or other event to which the fee relates takes place.
- (8) Where the relevant parish is a parish of which a cathedral is the parish church any fees which would, apart from this subsection, be payable to the parochial church council or to the diocesan board of finance, shall, instead, be payable to the corporate body of the cathedral.
- (9) The incumbent or priest in charge of the benefice or, where there is no such person, the rural dean of the deanery, in which the relevant parish or the place where the service or

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other event takes place is situated, may waive any fee payable to the Diocesan Board of Finance, in a particular case.

- (10) The incumbent or priest in charge of the benefice or, where there is no such person, the rural dean of the deanery, in which the relevant parish or the place where the service or other event takes place is situated, may, after consulting the churchwardens of that parish, waive any fee payable to the parochial church council of that parish, in a particular case.
- (11) Any fee payable to the corporate body of a cathedral under subsection (8) may be waived on behalf of that body by the Chapter of the cathedral.
- (12) This section applies in relation to fees payable under section 5 of the Burial Laws Amendment Act 1880 (43 & 44 Vict. c. 41) as it applies to the fees mentioned in subsection (1).
- (13) This section shall have effect notwithstanding section 12 of the Cremation Act 1902 (2 Edw. 7 c. 8).
- (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.
- (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.]

#### Textual Amendments

- F1** S. 1 substituted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), ss. 1\(1\), 6\(2\)](#) (with s. 5(3)); 2011 No. 1, art. 2
- F2** Word in s. 1(1) substituted (1.3.2019) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\), ss. 8\(1\), 17\(3\); S.I. 2019/67, art. 2\(1\)\(g\)](#)
- F3** S. 1(1A) inserted (1.5.2019) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\), ss. 8\(2\), 17\(3\); S.I. 2019/67, art. 3\(b\)](#)

## 2 Procedure for making Parochial Fees Orders. **E**

- (1) Every draft Parochial Fees Order [<sup>F4</sup>or Scheduled Matters Amending Order] shall be laid before the General Synod and if it is approved by the General Synod, whether with or without amendment, the draft order as so approved shall be referred to the [<sup>F5</sup>Archbishops' Council].
- (2) Where a draft order is referred to the [<sup>F5</sup>Archbishops' Council.] under subsection (1) above then—
  - (a) if it has been approved by the General Synod without amendment, the [<sup>F5</sup>Archbishops' Council.] shall, by applying their seal, make the order;
  - (b) if it has been approved by the General Synod with amendment, the [<sup>F5</sup>Archbishops' Council.] may either—
    - (i) by applying their seal make the order as so amended, or

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- (ii) withdraw the draft order for further consideration in view of any amendment made by the General Synod;  
and a Parochial Fees Order [<sup>F4</sup>or Scheduled Matters Amending Order] shall not come into force until it has been sealed by the [<sup>F5</sup>Archbishops' Council].
- (3) Where the Standing Committee of the General Synod determines that a draft Parochial Fees Order [<sup>F4</sup>or Scheduled Matters Amending Order] does not need to be debated by the General Synod, then, unless—
- notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the draft order to be debated, or
  - notice is so given by any such member that he wishes to move an amendment to the draft order <sup>F6</sup> . . . ,
- the draft order shall for the purposes of subsections (1) and (2) above be deemed to have been approved by the General Synod without amendment.
- (4) The <sup>M1</sup>Statutory Instruments Act 1946 shall apply to a Parochial Fees Order [<sup>F4</sup>or Scheduled Matters Amending Order] sealed by the [<sup>F5</sup>Archbishops' Council] under subsection (2) above as if it were a statutory instrument and were made when sealed by the Commissioners and as if this Measure were an Act providing that any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F4** Words in s. 2(1)(2)(3)(4) inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 2, 6(2)** (with s. 5(3)); 2011 No. 1, art. 2
- F5** Words in s. 2 substituted (1.1.1999) by [S.I. 1998/1715](#), arts. 1(2)(4), 4(4), **Sch. 2 para. 2(1)**; [Instrument dated 14.10.1998 made by Archbishops of Canterbury and York](#)
- F6** Words in s. 2(3)(b) omitted (1.9.1995) by virtue of [1995 No. 2, s. 14](#); [Instrument dated 26.7.1995 made by Archbishops of Canterbury and York](#)

#### Modifications etc. (not altering text)

- C1** S. 2: Functions of the Church Commissioners transferred (1.1.1999) to Archbishops' Council [S.I. 1998/1715](#), **arts. 1(2)(4), 3**; [Instrument dated 14.10.1998 made by Archbishops of Canterbury and York](#)
- C2** S. 2(3): Functions of Standing Committee transferred (1.1.1999) to Business Committee by [S.I. 1998/1715](#), arts. 1(2)(4), 2, **Sch. 1**; [Instrument dated 14.10.1998 made by Archbishops of Canterbury and York](#)

#### Marginal Citations

- M1** 1946 c. 36.

### <sup>F7</sup>3 Provisions as to persons to whom parochial fees are to be paid. **E**

#### Textual Amendments

- F7** S. 3 repealed (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(a), 6(2)**; 2011 No. 1, art. 2

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## <sup>F8</sup>PART II **E**

### Textual Amendments

- F8** Pt. II repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

## PART III **E**

### *Miscellaneous and General*

#### **7 Recovery of fees. **E****

Any fee payable by virtue of any order made under this Measure shall be recoverable as a debt.

#### <sup>F9</sup>**8 Reimbursement of archbishops or bishops. **E****

### Textual Amendments

- F9** S. 8 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

#### **9 Private, local and personal Acts which are inconsistent with Parochial Fees Orders. **E****

Schedule 1 to this Measure which relates to private, local and personal Acts which are inconsistent with a Parochial Fees Order shall have effect.

#### **10 Interpretation. **E****

In this Measure the following expressions have the meanings hereby respectively assigned to them—

[<sup>F10</sup>“ church” means a parish church [<sup>F11</sup>a parochial chapel, a chapel of ease, a chapel of a conventional district], a place licensed for public worship by the bishop under section 29(1) or a building designated as a parish centre of worship by the bishop under section 29(2) of the Pastoral Measure 1983 (1983 No. 1) and, in relation to marriage only, a public chapel licensed for the solemnization of marriages under section 20 of the Marriage Act 1949 or an authorised chapel within the meaning of section 78(1)(a) of that Act, provided that the marriage takes place in accordance with the licence or as mentioned in section 78(1)(a), as the case may be, but does not include any church or chapel in or belonging to any extra-parochial place which is licensed by the bishop under section 21 of that Act and “ churchyard ” shall be construed accordingly;

“churchyard” includes the curtilage of a church and a burial ground of a church, whether or not immediately adjoining a church; ]

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[<sup>F14</sup> “parochial fees” means any fees prescribed in respect of any of the matters set out in Schedule A1.]

#### Textual Amendments

- F10** Definitions of “church” and “churchyard” in s. 10 inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(b)(i)**, 6(2); 2011 No. 1, art. 2
- F11** Words in definition of “church” ins. 10 inserted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 8**; S.I. 2014/1369, art. 2
- F12** Words in s. 10 repealed (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F13** Definition of “parish” in s. 10 omitted (1.7.2011) by virtue of [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(b)(ii)**, 6(2); 2011 No. 1, art. 2
- F14** Definition of “parochial fees” in s. 10 substituted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), **ss. 4(1)(b)(iii)**, 6(2); 2011 No. 1, art. 2

## 11 Repeals, consequential amendments and transitional provisions. **E**

- (1) The <sup>M2</sup>Ecclesiastical Fees Measure 1962 is hereby repealed.
- (2) In section 63 of the <sup>M3</sup>Ecclesiastical Jurisdiction Measure 1963 for the words from “Ecclesiastical Fees” to the end of the section there shall be substituted the words “Ecclesiastical Fees Measure 1986” and in section 6(3) of the <sup>M4</sup>Faculty Jurisdiction Measure 1964 for the words “Ecclesiastical Fees Measure 1962” there shall be substituted the words “Ecclesiastical Fees Measure 1986”.
- (3) The transitional provisions in Schedule 2 to this Measure shall have effect.

#### Marginal Citations

- M2** 1962 No. 1.  
**M3** 1963 No. 1.  
**M4** 1964 No. 5.

## 12 Short title, extent and commencement. **E**

- (1) This Measure may be cited as the Ecclesiastical Fees Measure 1986.
- (2) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, as defined by the <sup>M5</sup>Channel Islands (Church Legislation) Measures 1931 <sup>M6</sup> and 1957, or either of them, in accordance with the provisions of those measures and may be extended to the Isle of Man by or under Act of Tynwald.
- (3) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be so appointed for different provisions.

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**Modifications etc. (not altering text)**

**C3** Power of appointment conferred by s. 12(3) fully exercised: 1.9.1986 appointed by Instrument dated 24.7.1986

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**Marginal Citations**

**M5** 1931 No. 4.

**M6** 1957 No. 1.

**Changes to legislation:**

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