



Ecclesiastical Fees Measure 1986

1986 No. 2

PART II

Ecclesiastical Judges' and Legal Officers' Fees

4 Constitution of Fees Advisory Commission.

- (1) After every ordinary election to the General Synod the Archbishops of Canterbury and York shall jointly request—
- (a) the Lord Chancellor to appoint a person who is or has been a judge of the Court of Appeal or of the High Court of Justice, a circuit judge or a recorder;
 - (b) the chairman of the Bar Council to appoint a barrister;
- and
- (c) the president of the Law Society to appoint a solicitor;
- and the three persons so appointed together with—
- [^{F1}(d) a member or officer of the Archbishops' Council nominated for the purposes of this Measure by that Council;
 - ^{F1}(dd) a Church Commissioner or an officer of the Church Commissioners nominated for the purposes of this Measure by them; and]
 - [^{F2}(e) a member of the General Synod appointed by the Appointments Committee of the Church of England,]
- shall constitute the Fees Advisory Commission.
- (2) If at any time the appointments of First Church Estates Commissioner and Chairman of the Central Board of Finance are not both held by the same person, subsection (1) above shall have effect as if for paragraphs (d) and (e) there were substituted the following paragraphs—
- “(d) the First Church Estates Commissioner and
 - (e) the Chairman of the Central Board of Finance.”
- (3) The members of the Fees Advisory Commission appointed under [^{F3}paragraphs (a), (b), (c) and (e)] of that subsection (the “appointed members”) shall hold office until,

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after the next following ordinary election to the General Synod, further appointments are made under this section.

[^{F4}(3A) The members of the Fees Advisory Commission nominated under paragraphs (d) and (dd) of subsection (1) above shall serve on the Commission during the pleasure of the Archbishops' Council or the Church Commissioners, respectively.]

- (4) If an appointed member of the Fees Advisory Commission dies or resigns, then—
- (a) if he was appointed under paragraph (a), (b) or (c) of subsection (1) above, the Archbishops of Canterbury and York shall jointly request the person who appointed him to appoint as a member of the Commission another person who is qualified for appointment under the paragraph in question;
 - (b) if he was appointed under paragraph (e) of that subsection, the [^{F5}Appointments Committee of the Church of England] shall appoint as a member of the Commission another member of [^{F6}the General Synod],
- and a person appointed under this subsection shall hold office for the period for which the person who has died or resigned would have held office.
- (5) The Fees Advisory Commission shall be entitled to act notwithstanding any temporary vacancy caused by the death or resignation of any of its members.
- (6) An appointed member of the Fees Advisory Commission whose term of office comes to an end shall be eligible for reappointment.

Textual Amendments

- F1** S. 4(1)(d)(dd) substituted (1.9.2000) for s. 4(1)(d) by 2000 Measure No. 1, s. 16(2); Instrument dated 30.8.2000 made by the Archbishops of Canterbury and York
- F2** S. 4(1)(e) substituted (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 4(4), Sch. 2 para. 2(2); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F3** Words in s. 4(3) substituted (1.9.2000) by 2000 Measure No. 1, s. 16(3); Instrument dated 30.8.2000 made by the Archbishops of Canterbury and York
- F4** S. 4(3A) inserted (1.9.2000) by 2000 Measure No. 1, s. 16(4); Instrument dated 30.8.2000 made by the Archbishops of Canterbury and York
- F5** Words in s. 4(4)(b) substituted (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 4(4), Sch. 2 para. 2(3)(a); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F6** Words in s. 4(4)(b) substituted (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 4(4), Sch. 2 para. 2(3)(b); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

Modifications etc. (not altering text)

- C1** S. 4: Functions of Standing Committee transferred (1.1.1999) to Appointments Committee by S.I. 1998/1715, arts. 1(2)(4), 2, Sch. 1 para. 2(1); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

5 Legal Officers (Annual Fees) Orders.

- (1) The Fees Advisory Commission may make recommendations as to the annual fees to be paid to [^{F7}ecclesiastical judges and] legal officers in respect of such of the duties of their office as are specified by the Commission, and the Commission may make an order ^{F8}. . . to give effect to their recommendations.
- (2) Any order made under subsection (1) above may contain such incidental provisions as the Fees Advisory Commission considers necessary or desirable [^{F9}, including

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provision for payments in respect of reasonable expenses incurred by ecclesiastical judges and legal officers on travel, subsistence, accommodation and the holding of court hearings].

- (3) Any order made under subsection (1) above shall be laid before the General Synod and shall not come into force until it has been approved by the General Synod.
- (4) Where the Standing Committee of the General Synod determines that [^{F10}an order made under subsection (1) above] 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 order to be debated, the order shall for the purposes of subsection (3) above be deemed to have been approved by the General Synod.
- (5) The ^{M1}Statutory Instruments Act 1946 shall apply to [^{F10}an order made under subsection (1) above] approved by the General Synod as if it were a statutory instrument and were made when so approved 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.

Subordinate Legislation Made

P1 S. 5: power conferred by s. 5 exercised by [S.I. 1991/1757](#)

Textual Amendments

- F7** Words in s. 5(1) inserted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\)](#), s. 10, **Sch. 6 para. 2(a)(i)** (with s. 31(6)); Instrument dated 16.2.1993 made by the [Archbishops of Canterbury and York](#).
- F8** Words in s. 5(1) repealed (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\)](#), s. 10, **Sch. 6 para. 2(a)(ii)** (with s. 31(6)); Instrument dated 16.2.1993 made by the [Archbishops of Canterbury and York](#).
- F9** Words in s. 5(2) inserted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\)](#), s. 10, **Sch. 6 para. 2(b)** (with s. 31(6)); Instrument dated 16.2.1993 made by the [Archbishops of Canterbury and York](#).
- F10** Words in s. 5(4) and (5) substituted (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\)](#), s. 10, **Sch. 6 para. 2(c)** (with s. 31(6)); Instrument dated 16.2.1993 made by the [Archbishops of Canterbury and York](#).

Modifications etc. (not altering text)

- C2** S. 5 modified (retrospectively) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), **ss. 8(6), 17(2)(b)**
- C3** S. 5(4): 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.

6 Ecclesiastical Judges and Legal Officers (Fees) Orders.

- (1) The Fees Advisory Commission may make recommendations as to the fees to be paid in respect of such duties performed by ecclesiastical judges and legal officers as are specified by the Commission [^{F11}to such persons as are so specified, and the Commission may make an order to give effect to their recommendations].

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- (2) Any order made under subsection (1) above may contain such incidental provisions as the Fees Advisory Commission considers necessary or desirable [^{F12}, including provision for payments to be made in respect of reasonable expenses incurred by ecclesiastical judges and legal officers on travel, subsistence, accommodation and the holding of court hearings].
- (3) Any order made under subsection (1) above shall be laid before the General Synod and shall not come into force until it has been approved by the General Synod, whether with or without amendment.
- (4) Where the Standing Committee of the General Synod determines that an Ecclesiastical Judges and Legal Officers (Fees) Order does not need to be debated by the General Synod, then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the order to be debated, or
 - (b) notice is so given by any such member that he wishes to move an amendment to the order ^{F13} . . . ,
- the order shall for the purposes of subsection (3) above be deemed to have been approved by the General Synod without amendment.
- (5) The ^{M2}Statutory Instruments Act 1946 shall apply to an Ecclesiastical Judges and Legal Officers (Fees) Order approved by the General Synod as if it were a statutory instrument and were made when so approved 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.

Subordinate Legislation Made

- P2** [S. 6: power conferred by s. 6 exercised by S.I. 1991/1756](#)
[S. 6: for previous exercises of power see Index to the Government Orders](#)

Textual Amendments

- F11** [Words in s. 6\(1\) substituted \(1.3.1993\) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\), s. 10, Sch. 6 para. 3\(a\) \(with s. 31\(6\)\); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.](#)
- F12** [Words in s. 6\(2\) inserted \(1.3.1993\) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1\), s. 10, Sch. 6 para. 3\(b\) \(with s. 31\(6\)\); Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.](#)
- F13** [Words in s. 6\(4\)\(b\) 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)

- C4** [S. 6\(4\): 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

- M2** [1946. c. 36.](#)

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