

Status: Point in time view as at 01/01/2001.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Fees Measure 1986. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PRIVATE, LOCAL AND PERSONAL ACTS WHICH ARE INCONSISTENT WITH PAROCHIAL FEES ORDERS

- 1 Where a Parochial Fees Order is inconsistent with a private, local or personal Act which affects a parish, the parochial church council or, if there is no parochial church council, the incumbent or minister may apply to the Church Commissioners requesting them to prepare an order providing for the amendment or repeal of that Act in order to permit the Parochial Fees Order to apply to the parish; and, on receiving such an application, the Church Commissioners may prepare a draft order accordingly.
- 2 Where the Church Commissioners prepare a draft order under paragraph 1 above, they shall—
 - (a) send a copy of that order to the bishop of the diocese in which the parish is situated, the parochial church council (if any) and the incumbent or minister of the parish, and any person whose power of fixing fees or whose right to receive fees is affected by the order, together with a notice that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date of the sending of the notice) as may be specified in the notice; and
 - (b) cause a copy of the order to be posted for a period of not less than one month on or near the principal door of the church of the parish, or at least one of such churches if there be more than one, together with a notice that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date when the copy of the order was first posted), as may be specified in the notice; and
 - (c) publish an advertisement in at least one local newspaper circulating in the parish stating the purport of the draft order and at what place in the parish it may be inspected (which may be on or near the church door mentioned in sub-paragraph (b) above or such other place as the Church Commissioners may decide) and that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date when the advertisement was published) as may be specified in the advertisement.
- 3 The Church Commissioners shall consider all representations made to them under paragraph 2 above and may make such amendments in the order as they think fit.
- 4 When the periods during which representations may be made under paragraph 2 above have all expired and the Church Commissioners have considered all representations made to them, they may, by applying their seal, make the order or, as the case may be, the order as amended under paragraph 3 above.
- 5 The ^{M1}Statutory Instruments Act 1946 shall apply to an order sealed by the Church Commissioners under paragraph 4 above as if it were a statutory instrument and

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were made when sealed by the Commissioners and as if this Measure were an Act providing that the order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M1 1946 c. 36.

- 6 The Church Commissioners shall send copies of any order made under this Schedule to every person or body specified in subparagraph 2(a) above and shall publish in the London Gazette a notice stating they have made the order and specifying a place where copies of the order may be obtained.

SCHEDULE 2

TRANSITIONAL PROVISIONS

- 1 No order made under Part I of this Measure shall be binding on a clerk in Holy Orders or other person performing duties in connection with a parish to whom the provisions of section 2(4) of the ^{M2}Ecclesiastical Fees Measure 1962 applied immediately before the coming into force of this provision without his consent in writing; but such consent when given shall be irrevocable.

Marginal Citations

M2 1962 No. 1.

- 2 Until the Fees Advisory Commission is constituted under this Measure, the members of the Fees Committee appointed under section 1(3) of the Ecclesiastical Fees Measure 1962 shall, notwithstanding the repeal of that Measure by this Measure, continue to hold office and may perform any of the functions of the Fees Advisory Commission under this Measure.
- 3 Notwithstanding the repeal by this Measure of the Ecclesiastical Fees Measure 1962, any order made under that Measure relating to legal officers' fees or parochial fees shall be deemed to have been made under this Measure; and any fee payable at the coming into force of this Measure under an existing order relating to legal officers' fees or parochial fees shall be deemed to be payable under this Measure.
- 4 Any sum payable to any person under the provisions of section 5 of the Ecclesiastical Fees Measure 1962 shall, if reimbursible by the Church Commissioners at the coming into force of this provision, be deemed to be reimbursible under this Measure.
- 5 Nothing in this Schedule shall be taken as prejudicing the application of sections 16 and 17 of the ^{M3}Interpretation Act 1978.

Marginal Citations

M3 1978 c. 30.

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