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STATUTORY INSTRUMENTS

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**1992 No. 2883**

**ECCLESIASTICAL LAW, ENGLAND**

**FEEES**

**Ecclesiastical Judges and Legal Officers (Fees) Order 1992**

*Approved by the General Synod*

*Made - - - - 29th September 1992*

*Laid before Parliament 19th November 1992*

*Coming into force*

*For all purposes other than those of Paragraph 2 and of Table 1 of the Schedule 1st January 1993*

*For the purposes of Paragraph 2 and of Table 1 of the Schedule 1st March 1993*

We, the Fees Advisory Commission constituted in accordance with the provisions of section 4 of the Ecclesiastical Fees Measure 1986(1), in the exercise of the powers conferred by section 6 do hereby order as follows:—

1. The fees appearing in the Tables of the Schedule to this Order are established and are substituted for the fees appearing in the corresponding Tables of the Schedule to the Ecclesiastical Judges and Legal Officers (Fees) Order 1991(2). The Tables of the Schedule contain particulars of the Fees which are to be received, after the commencement of this Order, by the ecclesiastical judges and legal officers named in the Schedule for carrying out by them of the duties of their offices specified in the Schedule.

2. The Ecclesiastical Judges and Legal Officers (Fees) Order 1991 is hereby revoked.

- (a) (a) Subject to the provisions of this paragraph nothing in this Order shall preclude a diocesan board of finance from agreeing to pay an additional fee to a diocesan registrar by way of annual fee or retainer (hereinafter called a “supplementary annual fee”) which is in addition to the annual fee or fees prescribed by Order made under the Ecclesiastical Fees Measure 1986.
- (b) An agreement made under sub-paragraph (a) above shall be expressed to be an agreement for a payment by way of supplementary annual fee.

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(1) 1986 No. 2.  
(2) S.I.1991/1756.

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- (c) An agreement made under sub-paragraph (a) above shall be in writing. The period for which the agreement is to run shall be stated in the agreement. In the absence of any such statement the agreement shall remain binding until determined by not less than three months' notice on either side.
- (d) The body responsible for paying a supplementary annual fee shall be the diocesan board of finance.

4. A fee specified in the Schedule to this Order may be increased by a sum for reasonable expenses of travel, subsistence and accommodation.

5. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed in this Order there shall be payable in addition to that fee the amount of the Value Added Tax.

6. This Order may be cited as the Ecclesiastical Judges and Legal Officers (Fees) Order 1992 and shall come into operation for all purposes other than those of Paragraph 2 and of Table 1 of the Schedule on the first day of January 1993 and for the purposes of Paragraph 2 and of Table I of the Schedule on the first day of March 1993.

*R. B. Gibson  
A. K. L. Black  
J. C. Broadhurst  
+Peter Crediton  
D. Lovelock*

Dated this Twenty-Ninth day of September 1992.

Approved by the General Synod the

tenth day of November 1992.

*P. J. C. Mawer*  
Secretary-General

SCHEDULE 1

**Table 1**

Faculty and Court Fees

	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
1. Archdeacon’s Faculty. Fee payable on lodging petition (rule 3).	—	35
2. Chancellor’s Faculty. Fees payable on lodging petition (rule 3).	25	55
3. Additional fees where the Chancellor has ordered under rule 25 that the proceedings are to be determined upon consideration of written representations, such fees, and by whom they are to be paid, to be fixed by the Chancellor within the limits shown.	88—139	56—83
4. On the registrar referring a petition in respect of which a fee has become payable under paragraph 1 of this Table to the Chancellor under rule 6(5), 7 or 9, the petitioner, if he wishes to proceed, shall pay a further fee of	25	20
5. Additional fees on the Judge or registrar giving other directions (otherwise than at a hearing in respect of which fees are payable under paragraph 6 of this Table), such fees, and by whom they are to be paid, to be fixed by the Judge within the limits shown—	53—159	35—106
(a) on a pre-trial review of the case as a whole under rule 18—		
(i) directions given by Judge		

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	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
(ii) directions given by registrar	—	53—159
(b) (b) on the giving of other directions—	21—64	14—42
(i) directions given by Judge		
(ii) directions given by registrar	—	21—64
6. Additional fees where the issue, whether opposed or unopposed, whether interlocutory or final, is to be heard in Court or in Chambers before the Chancellor’s Court, the Court of Arches or Chancery Court of York, or the Court of Ecclesiastical Causes Reserved—	166	125
(a) if the case lasts half a day or less		
(b) (b) if the case lasts a whole day or more than half	278	209
(fees on same scale for subsequent days).		
7. Additional fee on the Judge preparing a written judgement or drafting the form of order or both, such fee to be at the hourly rate shown and in respect of the number of hours certified by the Judge as spent in such work, and by whom the fee is to be paid to be determined by the Court.	27	—
8. Preparatory and ancillary work and correspondence (if any) in relation to petition for faculty — not to exceed without the sanction of the Judge.	—	25
(a) (a) No fees are payable under paragraphs 5 and 6 to the members of the Court of		

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	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
Ecclesiastical Causes Reserved.		
(b) All other fees of the Registry in opposed cases are to be paid on the same scale as allowed for Court fees, from time to time, in the Supreme Court of Judicature.		
(c) "Judge" means the Chancellor or Presiding Judge of the Appellate Court.		
(d) References to Rules are to the Faculty Jurisdiction Rules 1992.		

**Table II**

Fees payable for Permissions under the Overseas and Other Clergy (Ministry and Ordination Measure) 1967 and Annual Fees payable to the Vicars-General

	Fee £
1. Fee payable to Provincial Registrar for permission under the Overseas Clergy (Ministry and Ordination) Measure 1967	45
2. Annual fee for Vicar-General of the Province of Canterbury	1270
3. Annual fee for Vicar-General of the Province of York	1032

*Note:* These fees are the liability of the Archbishop, subject to the provisions of section 8 of the Ecclesiastical Fees Measure 1986 .

**Table III**

Fees payable in Connection with Appeals in Faculty Cases

	Fee £
1. Application under rule 3 to determine the Court to which appeal lies (except where application is made immediately after giving of	58

*Notes:*  
 (a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965.  
 (b) The fees set out above are in addition to those set out in Table I.

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	Fee £
judgement). To be paid to registrar by applicant on lodging application— for chancellor	
for registrar	33
2. Appeal under rule 4. To be paid to registrars by appellant on lodging notice of appeal— to registrar of diocese	110
to registrar of appellate court	56
Plus, where appeal is to Court of Ecclesiastical Causes Reserved, a fee, to be fixed by registrar of Court of Ecclesiastical Causes Reserved, in respect of the cost of preparing five copies for the use of members of the Court of the documents to be transmitted by the registrar of the diocese under rule 4(5)(b), the notice of appeal and the documents to be furnished by the appellant under rule 4(7), to be paid to registrar of Court of Ecclesiastical Causes Reserved by appellant when assessed by registrar.	
3. Petition for Review under rule 9. To be paid to registrar of Court of Ecclesiastical Causes Reserved by petitioner on lodging petition.	110
4. Interlocutory application under rule 11(2). To be paid to registrar of appellate court on lodging notice of appeal.	14
5. Appeal under rule 11(6). To be paid to registrar of appellate court by appellant on lodging notice of appeal.	14
<i>Notes:</i>	
(a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965.	
(b) The fees set out above are in addition to those set out in Table I.	

**Table IV**

Fees payable on Taxation of Costs in Discipline and Faculty Appeal Cases

	Fee £
1. To be paid to registrar by party applying for taxation on lodging application.	12
2. To be paid to registrar by party applying on taxation of a bill of costs—	50
(a) where the amount allowed does not exceed £1,000	

	Fee £
(b) (b) where the amount allowed exceeds £1,000—	50
(i) for the first £1,000	
(ii) for every £20 or fraction thereof over £1,000	0.50

**Table V**

Fees for Duties under the Patronage (Benefices) Rules 1987(3)

Fees for work by the diocesan registrar in connection with—

- (a) any search in the register of patrons (“the register”) maintained under Part I of the Patronage (Benefices) Measure 1986(4) (rule 10(1));
- (b) the making of any extract from the register (rule 10(1));
- (c) supplying a certified copy of any entry in the register (rule 10(2));

except so far as the work is within the scope of the annual fee payable to the diocesan registrar under the Legal Officers (Annual Fees) Order for the time being in force made under section 5 of the Ecclesiastical Fees Measure 1986.

Fees payable to the diocesan registrar to be calculated in accordance with the Solicitors' Remuneration Order 1972(5) and to be payable by the person making the search or extract or requesting the certified copy.

*Note:* References to rules are to The Patronage (Benefices) Rules 1987.

**Table VI**

Fees for Elections to the General Synod

**1.** Fees for duties required to be performed as presiding officer at general elections to the Lower Houses of the Convocations or to the House of Laity of the General Synod or at elections to fill vacancies if the full election procedure is used in accordance with Rule 35(1) of the Clergy Representation Rules 1975 to 1989 or Rule 39(5) of the Church Representation Rules, payable to the diocesan registrar where he acts as presiding officer. £100 and a further £25 for every hour spent on counting votes

**2.** Fee for duties required to be performed as presiding officer at elections to fill casual vacancies to the Lower Houses of the Convocations or to the House of Laity of the General Synod if the shortened procedure is used in accordance with Rule 35(3) and (4) of the Clergy Representation Rules 1975 to 1989 or £25 for every hour spent on counting votes

(3)  
(4) 1986 No. 3.  
(5) S.I. 1972/1139.

S.I. 1987/773.

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Rule 39(6) of the Church Representation Rules,  
payable to the diocesan registrar where he acts  
as presiding officer.

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

1. This Order prescribes new fees in relation to proceedings for Chancellors' and Archdeacons' faculties under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 1992, both of which are intended to come into force on the same date as Table I of the Schedule to this Order (1st March 1993).

2. In addition, this Order increases the fees fixed by the Ecclesiastical Judges and Legal Officers (Fees) Order 1991 in relation to faculty and court proceedings which will remain applicable after the 1991 Measure and the 1992 Rules come into force, and also the fees in Tables II, III and IV of the 1991 Order (other than the fees of £50 and 50p payable on taxation of costs in discipline and faculty appeal cases, which are fixed as percentages of the £1,000 and £20 figures to which they relate). The fees in Tables II, III and IV will come into force on 1st January 1993.