
STATUTORY INSTRUMENTS

1995 No. 1961

ECCLESIASTICAL LAW, ENGLAND

FEEES

The Ecclesiastical Judges and Legal Officers (Fees) Order 1995

<i>Made (Approved by the General Synod)</i>	- - -	<i>8th July 1995</i>
<i>Laid before Parliament</i>		<i>26th July 1995</i>
<i>Coming into force</i>	- - -	<i>1st January 1996</i>

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 1994(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 1994 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.
- (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.

(1) 1986 No. 2; amended by the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991](#) (1991 No. 1), Schedule 6.
(2) [S.I. 1994/2009](#).

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

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 1995 and shall come into operation on the first day of January 1996.

Dated this 6th day of April 1995

R. B. Gibson
A. K. L. Black
M. J. Colman
+ *Peter Crediton*
C. A. McLintock

Approved by the General Synod the 8th day of July 1995

P. J. C. Mawer
Secretary-General

SCHEDULE

TABLE I

FACULTY AND COURT FEES

Except where the contrary intention appears, this Table and Tables II and III apply to the following proceedings:

- (1) Faculty petitions and other faculty proceedings (including appeals);
- (2) Proceedings specified in sections 6(1)(a) or 10(1)(a) of the Ecclesiastical Jurisdiction Measure 1963⁽³⁾ before the Consistory Court, the Arches Court of Canterbury or the Chancery Court of York, or the Court of Ecclesiastical Causes Reserved;
- (3) Proceedings for an injunction or a restoration order under section 13(4) and (5) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (including appeals); and
- (4) Proceedings under section 4 of the Care of Cathedrals (Supplementary Provisions) Measure 1994⁽⁴⁾ (including appeals)

	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).	—	39
2. Chancellor's Faculty. Fees payable on lodging petition (rule 3).	28	62
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.	98-154	63-92
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	28	23
5. Fees on the Judge, Court or registrar giving other		

⁽³⁾ 1963 No. 1.

⁽⁴⁾ 1994 No. 2.

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	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
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—		
(a) (a) on a pre-trial review of the case as a whole under rule 18—		
(i) directions given by Judge	58-177	39-118
(ii) directions given by registrar	—	58-177
(b) (b) on the giving of other directions—		
(i) directions given by Judge or Court	24-71	16-47
(ii) directions given by registrar	—	24-71
6. 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 Vicar-General’s Court, the Arches Court of Canterbury or Chancery Court of York, or the Court of Ecclesiastical Causes Reserved—		
(a) (a) if the cases lasts half a day or less	184	140
(b) (b) if the case lasts a whole day or more than half	309	232
(fees on same scale for subsequent days)		
7. Fee on the Judge or other member of the Court 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	30	—

	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
number of hours certified by the Judge or other member of the Court as spent in such work, and by whom the fee is to be paid to be determined by the Court.		
<p>8. Preparatory and ancillary — work and correspondence (if any) in relation to petition for faculty, appeal or other proceedings — not to exceed without the sanction of the Judge.</p> <p>(a) (a) No fees are payable under paragraphs 5, 6 and 7 to the members of the Court of Ecclesiastical Causes Reserved.</p> <p>(b) (b) Where the Arches Court of Canterbury or the Chancery Court of York is constituted in accordance with section 47(1)(b) of the Ecclesiastical Jurisdiction Measure 1963(5)—</p> <p>(i) any fee payable under paragraph 5(b) to the Dean of the Arches shall be payable to each member of those Courts who joins in the giving of directions within that sub-paragraph;</p> <p>(ii) any fee calculated in accordance with paragraph 6 payable under that paragraph to the Dean of the Arches shall be payable to each member of those Courts; and</p>	28	

(5) Section 47 was amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, Schedule 4 paragraph 8.

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	Dean of the Arches, Vicar General or Chancellor £	Registrar or other Officers by usage performing the duty £
<p>(iii) a fee calculated in accordance with paragraph 7 shall be payable to each member of those Courts who prepares a separate written judgement or who is principally responsible for drafting the form of order or both.</p> <p>(c) (c) All other fees of the Registry (otherwise than in respect of an unopposed faculty petition which is not the subject of a hearing before the Consistory Court) are to be paid on the same scale as allowed for Court fees, from time to time, in the Supreme Court of Judicature.</p> <p>(d) (d) “Judge” means the Chancellor or Presiding Judge of the Appellate Court.</p> <p>(e) (e) References to Rules are to the Faculty Jurisdiction Rules 1992(6).</p>		

(6) S.I. 1992/2882.

TABLE II
ADDITIONAL FEES PAYABLE IN CONNECTION WITH APPEALS

	Fee £
1. Application under rule 3 to determine the Court to which appeal lies (except where the application is made immediately after giving of judgement). To be paid to the registrar by the applicant on lodging the application—	
for chancellor	65
for registrar	36
2. Appeal from decision of the Consistory Court or Vicar-General's Court. To be paid to the registrars by the appellant on lodging the notice of appeal—	
to the registrar of the court of first instance	122
to the registrar of the appellate court	63
Plus a fee, to be fixed by the registrar of the appellate court, in respect of the cost of preparing for the use of the members of the court five copies (in the case of the Arches Court of Canterbury or the Chancery Court of York constituted in accordance with section 47(1)(a) of the Ecclesiastical Jurisdiction Measure 1963, or the Court of Ecclesiastical Causes Reserved) or three copies (in the case of the Arches Court of Canterbury or the Chancery Court of York constituted in accordance with section 47(1)(b) of that Measure) of the following documents—	
(i) the notice of appeal;	
(ii) any certificate given by the chancellor under rule 3;	
(iii) the record of the proceedings at first instance and any other documents and exhibits transmitted by the registrar of the court of first instance to the registrar of the appellate court;	
(iv) the note by the judge of the proceedings at first instance and any	

NOTES:

- (a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965(7)
 (b) The fees set out above are in addition to those set out in Table I.

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	Fee £
transcript of the judgement or any other part of the proceedings; to be paid to the registrar of the appellate court by the appellant when assessed by the registrar.	
3. Petition for Review under rule 9. To be paid to the registrar of the Court of Ecclesiastical Causes Reserved by the petitioner on lodging petition.	122
4. Interlocutory application. To be paid to the registrar of the appellate court by the applicant on lodging the application.	16
5. Appeal against the decision of the registrar of the appellate court on an interlocutory application. To be paid to the registrar of appellate court by the appellant on lodging notice of appeal.	16
NOTES:	
(a) References to rules are to the Ecclesiastical Jurisdiction (Faculty Appeals) Rules 1965(7)	
(b) The fees set out above are in addition to those set out in Table I.	

TABLE III FEES PAYABLE ON TAXATION OF COSTS

	Fee £
1. To be paid to registrar by party applying for taxation on lodging application.	14
2. To be paid to registrar by party applying on taxation of a bill of costs—	
(a) (a) where the amount allowed does not exceed £1,000	50
(b) (b) where the amount allowed exceeds £1,000—	
(i) for the first £1,000	50
(ii) for every £20 or fraction thereof over £1,000	0.50

(7) [S.I. 1965/251](#).

TABLE IV

FEES PAYABLE FOR PERMISSIONS UNDER THE OVERSEAS AND OTHER CLERGY (MINISTRY AND ORDINATION) MEASURE 1967(8) AND ANNUAL FEES PAYABLE TO THE VICARS GENERAL

	Fee £
1. Fee payable to the Provincial Registrar for permission under the Overseas Clergy (Ministry and Ordination) Measure 1967	50
2. Annual fee for the Vicar-General of the Province of Canterbury	1412
3. Annual fee for the Vicar-General of the Province of York	1147

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

TABLE V

FEES FOR DUTIES UNDER THE PATRONAGE (BENEFICES) RULES 1987(9)

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(10) (rule 10(1));
- (b) the making of any extract from the register (rule 10(1));
- (c) supplying a certified copy of an 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' (Non-Contentious Business) Remuneration Order 1994(11) 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

Fees for duties required to be performed as presiding officer at elections to the Lower Houses of the Convocations or to the House	Such fees, or fees calculated on such basis, as may be agreed from time to time between the
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(8)

(9)

(10) 1986 No. 3.

(11) S.I. 1972/1139.

1967 No. 3.
S.I. 1987/773.

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of Laity of the General Synod, payable to the diocesan registrar where he acts as presiding officer. diocesan registrar and the diocesan board of finance.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the fees fixed by Table I of the Ecclesiastical Judges and Legal Officers (Fees) Order 1994 (“the 1994 Order”) in relation to faculty proceedings, and applies them, or makes clear that they apply, to proceedings for an injunction or a restoration order under section 13(4) and (5) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (including appeals), to proceedings under section 4 of the Care of Cathedrals (Supplementary Provisions) Measure 1994 (including appeals), and to disciplinary proceedings under the Ecclesiastical Jurisdiction Measure 1963 before the Consistory Court, the Arches Court of Canterbury or the Chancery Court of York and the Court of Ecclesiastical Causes Reserved.

The Order increases the additional fees for appeals and the fees for taxation of costs in Tables II and III (replacing Tables III and IV of the 1994 Order) of the 1994 Order (other than the fees of £50 and 50p payable on taxation of costs, which are fixed as percentages of the £1,000 and £20 figures to which they relate). It also applies those Tables to all the proceedings covered by Table I. The Order increases the fees payable to the provincial registrars and the Vicars-General under Table IV (replacing Table II of the 1994 Order). Table V, which provides for certain fees for duties under the Patronage (Benefices) Measure 1986 to be calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994, and Table VI, which provides for certain fees for elections to the General Synod, or the basis on which they are to be calculated, to be agreed between the diocesan registrar and the diocesan board of finance, remain as in the 1994 Order.

The revised fees and other provisions will come into force on 1st January 1996.