

**This explanatory memorandum is laid before Parliament by the  
General Synod**

**1. (i) Title of the Instrument:**

**ECCLESIASTICAL JUDGES, LEGAL OFFICERS AND OTHERS  
(FEES) ORDER 2004 (2004 No. 1888)**

**(ii) Laying Authority and Purpose:**

The General Synod of the Church of England.

The Ecclesiastical Judges, Legal Officers and Others (Fees) Order annually fixes fees for faculty proceedings and some other proceedings in ecclesiastical courts, and also provides for the fees of the Provincial Registrars and the Vicars-General and certain fees for Synod elections.

**(iii) Department responsible:**

The Legal Office of the National Institutions of the Church of England.

**2. Description:**

The Order increases most fees by 2.9%, the average figure for RPI in 2003, with effect from 1<sup>st</sup> January 2005.

**3. Matters of special interest to the Joint Committee on Statutory Instruments/  
Select Committee on Statutory Instruments:**

Not applicable: the Order does not fall within the terms of reference of these Committees. However, the relevant information is as follows:

**(i) Fees increases:** The increases are in line with the increase in the RPI.

**(ii) 21-day rule:** The Order does not breach this rule.

**(iii) If the instrument comes into force before it was laid:** It does not.

**(iv) If the instrument uses novel or especially complex powers:** It does not.

#### **4. Legislative Background:**

##### **(i) General:**

Under section 6 of the Ecclesiastical Fees Measure 1986, the Fees Advisory Commission may recommend to the General Synod fees in respect of a number of matters (including those to be paid in respect of ecclesiastical judges and legal officers for faculty proceedings and other proceedings in ecclesiastical courts) and may make orders to give effect to their recommendations. Any such order must be laid before the General Synod for its approval. Since the 1986 Measure, the practice has been to make a fresh Order each year, revoking the previous order to provide an annual up-rating of fees. The Order is the latest in this series of orders and the fees it sets are in substitution for those prescribed in the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2003 (2003 No. 1933).

##### **(ii) EU legislation:**

The Order does not implement EU legislation.

#### **5. Extent:**

The Order applies only to England (apart from a small number of parishes wholly or partly in England which are within the Church in Wales) and to about 20 parishes wholly or partly in Wales which are within the Church of England.

#### **6. European Convention on Human Rights:**

Not applicable, as the Order is to be taken on the negative resolution procedure and does not amend primary legislation. However, the Legal Office is of the view that the Order is fully compatible with Convention rights.

#### **7. Policy background:**

The policy objective of the Ecclesiastical Fees Measure 1986 is the proper and adequate setting of ecclesiastical fees. The Order increases the fees, at a level not exceeding the rate of inflation, to be paid to ecclesiastical judges (chancellors) and other legal officers (registrars) in respect of faculty and other proceedings in ecclesiastical courts.

#### **8. Impact:**

No significant impact on business, charities or voluntary bodies or on the exchequer.

#### **9. Contact:**

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