

2012 No. 1846

ECCLESIASTICAL LAW, ENGLAND

**The Ecclesiastical Judges, Legal Officers and Others (Fees)
Order 2012**

<i>Made</i> - - - -	<i>6th July 2012</i>
<i>Laid before Parliament</i>	<i>19th July 2012</i>
<i>Coming into force</i> - -	<i>1st January 2013</i>

In accordance with section 6(3) of the Ecclesiastical Fees Measure 1986(a) (“the Measure”), this Order has been laid before, and approved by, the General Synod.

The Fees Advisory Commission, in exercise of the powers conferred by section 6(1), (1A) and (2) of the Measure, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2012.

(2) It comes into operation on 1st January 2013.

(3) In this Order—

- (a) “diocesan board of finance” means in relation to a diocese, the board of that name constituted under the Diocesan Boards of Finance Measure 1925(b);
- (b) “the Measure” means the Ecclesiastical Fees Measure 1986; and
- (c) any reference to an ecclesiastical judge or legal officer includes the deputy of such judge or officer.

Fees payable

2. The Schedule sets out the fees which are to be paid—

(1) to the ecclesiastical judges and legal officers described in the Schedule in respect of the carrying out by them of the duties of their offices that are specified; and

(2) to diocesan boards of finance in respect of the matters specified in Part 2 of Table 1 of the Schedule.

(a) 1986 No 2; relevant amendments were made by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No 1), the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No 2), S.I. 1998/1715, the Care of Places of Worship Measure 1999 (1999 No 2) and the Ecclesiastical Fees (Amendment) Measure 2011 (2011 No 2),

(b) 15 & 16 Geo. 5 No. 3; relevant amendments were made by the Synodical Government Measure 1969 (1969 No 2).

Revocation or 2011 Order

3. The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2011(a) is revoked.

Supplementary annual fee

4.—(1) Subject to paragraph (2), nothing in this Order shall preclude a diocesan board of finance from agreeing to pay any sum to a diocesan registrar by way of annual fee or retainer which is additional to the annual fee payable under Table 1 of Schedule 1.

(2) Any such agreement shall—

- (a) be in writing;
- (b) be expressed to be an agreement made in accordance with this article; and
- (c) state the period for which it is to run, or, if no such period is stated, remain binding until determined by not less than three months' notice on either side.

Travel, subsistence, accommodation and court hearings

5. A fee specified in the Schedule (other than a fee specified in Part 2 of Table 1) shall be increased by a sum for reasonable expenses of travel, subsistence, accommodation and the holding of court hearings.

Value Added Tax

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

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The Fees Advisory Commission

Church House, London
6th July 2012

This Order was approved by the General Synod on 6th July 2012
Church House, London

C. J. Podmore
Clerk to the Synod

(a) S.I. 2011/1731.

SCHEDULE

Article 2

Fees payable under this Order

TABLE 1

Faculty and other fees

Except where the contrary intention appears, this Table and Table 2 apply to the following proceedings—

- (1) Faculty petitions and other faculty proceedings (including appeals);
- (2) Proceedings for an injunction or a restoration under section 13(4) and (5) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (including appeals); and
- (3) Proceedings under section 18 of the Care of Cathedrals Measure 2011(a) (including appeals).

PART 1

	<i>Dean of the Arches, Vicar-General or Chancellor</i> £	<i>Registrar or other Officer by usage performing the duty</i> £
1. Archdeacon's Faculty. Fee payable on submission of petition (rule 4).	–	72
2. Chancellor's Faculty. Fee payable on submission of petition (rule 4).	47	110
3. Additional fees where the Chancellor has ordered under rule 26 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.	172–273	111–164
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 7(5), 8 or 10, the petitioner, if he or she wishes to proceed, shall pay a further fee of	47	40
5. Fees on the Judge, Court 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—		
(a) on a pre-trial review of the case as a whole under rule 19—		
(i) directions given by Judge	105–314	72–207
(ii) directions given by registrar	–	105–314

(a) 2011 No 1.

	(b) on giving of other directions—		
	(i) directions given by Judge or Court	41–125	32–81
	(ii) directions given by registrar.	–	41–125
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 Cases Reserved—		
	(a) if the case lasts half a day or less	326	248
	(b) if the case lasts a whole day or more than a half	551	413
	(fees on same scale for subsequent days).		
7.	Fee on the Judge or other member of the Court preparing a written judgment 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 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.	52	–
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.	–	47
9.	(a) No fees are payable under paragraphs 5, 6 and 7 to members of the Court of Ecclesiastical Causes Reserved.		
	(b) In the case of the Arches Court of Canterbury or the Chancery Court of York (constituted in accordance with section 47(1)(b) of the Ecclesiastical Jurisdiction Measure 1963(a))—		
	(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;		
	(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		
	(iii) a fee calculated in accordance with paragraph 7 shall be payable to		

(a) 1963 No 1 (relevant amendments were made by the Care of Churches and Ecclesiastical Jurisdiction Measure (1991 No 1)).

each member of those Courts who prepares a separate written judgment or who is principally responsible for drafting the form of order or both.

(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.

(d) “Judge” means the Chancellor or Presiding Judge of the Appellate Court.

(e) Where the Vicar-General’s court of the Province of Canterbury exercises the faculty jurisdiction of the Consistory Court by virtue of section 3(5)(a) of the Care of Places of Worship Measure 1999(a), “Chancellor” shall be taken as referring to the Vicar-General and “registrar” shall be taken as referring to the registrar of the province of Canterbury acting as registrar of the Vicar-General’s court.

(f) References to Rules are to the Faculty Jurisdiction Rules 2000(b), and reference to any provision of the Rules shall include reference to the corresponding provision of the Faculty Jurisdiction (Care of Places of Worship) Rules 2000(c) applying to faculty proceedings in relation to buildings, curtilages, objects and structures which are subject to the faculty jurisdiction by virtue of section 3(2) of the Care of Places of Worship Measure 1999.

PART 2

On the submission of a petition for a faculty in respect of any building or part of a building, any curtilage of a building or any object or structure fixed to a building or part of a building or within its curtilage, which is subject to the faculty jurisdiction by virtue of section 3(2) of the Care of Places of Worship Measure 1999, a fee of £189 shall be payable to the diocesan board of finance (“the Board”) in respect of work done in relation to the petition (before or after it is lodged) by the diocesan advisory committee and any such work done by any archdeacon in the diocese.

Provided that—

(4) The Board may in its discretion waive the whole or part of that fee in a particular case where it considers that such a waiver is appropriate having regard to any financial contribution to the

(a) 1999 No 2.
(b) S.I. 2000/2047.
(c) S.I. 2000/2048.

funds of the diocese made by those responsible for the building concerned, those who worship regularly in that building or any other persons who in the Board's opinion have a substantial interest in or connection with that building; and

(5) No fee shall be payable under this part of this Table in respect of any faculty petition relating to a building, part of a building, curtilage, object or structure where the building concerned is one specified in section 1(2)(e) or section 3(5) of the Care of Places of Worship Measure 1999.

TABLE 2
Additional fees payable in connection with appeals

	<i>Fee</i>
	<i>£</i>
1. Application under rules 4-6 for leave to appeal or to determine the Court to which appeal lies or both. To be paid to the registrar specified below by the applicant on lodging the application—	
for judge at first instance, or for the Dean of the Arches and Auditor if application is made to him or her	114
for registrar of the Court of first instance or, if the application is made to the Dean of the Arches and Auditor, for the registrar of the appellate court.	66
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	221
to the registrar of the appellate court	111
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 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 the Ecclesiastical Jurisdiction Measure 1963) of the following documents—	
(i) 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;	
(ii) the note by the judge of the proceedings at first instance;	
to be paid to the registrar of the appellate court by the appellant when assessed by the registrar.	
3. Petition for Review under rule 17. To be paid to the registrar of the Court of Ecclesiastical Causes Reserved by the petitioner on lodging petition.	221
4. Interlocutory application within rule 19. To be paid to the registrar of the appellate court by the applicant on lodging the application.	32
5. Appeal against the decision of the registrar of the appellate court on an interlocutory application. To be paid to the registrar of the appellate court by the appellant on lodging the notice of appeal.	32

NOTES

References to rules are to the Faculty Jurisdiction (Appeal) Rules 1998 (S.I. 1998/1713).

The fees set out above are additional to those set out in Table 1.

TABLE 3

Fees for proceedings in respect of ecclesiastical offences

This Table applies to proceedings (including proceedings authorised to be taken and appeals) of the descriptions specified in sections 6(i)(a) or 10(i)(a) of the Ecclesiastical Jurisdiction Measure 1963.

	<i>Judge</i>	<i>Registrar</i>
	£	£
1. Fees payable on the Judge or Court giving directions (otherwise than at the hearing in respect of which fees are payable under paragraph 2 of this Table), such fees to be fixed by the Judge within the limits shown.	41–315	32–207
2. Fees payable where the issue, whether interlocutory or final, is heard in Court or in Chambers—		
(a) if the hearing lasts half a day or less	326	248
(b) if the hearing lasts a whole day or more than a half (fees on same scale for subsequent days).	551	413
3. Fee on the Judge preparing a written judgment 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 on such work..	52	—
4. On an appeal to the Arches Court of Canterbury, the Chancery Court of York or the Court of Ecclesiastical Causes Reserved, a fee, to be fixed by the Judge and paid to the registrar of the appellate court, in respect of the cost of preparing for the use of the members of the Court five copies of the following documents—		
(a) the notice of appeal;		
(b) 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;		
(c) the note by the judge of the proceedings at first instance and any transcript of the judgment or any other part of the proceedings;		
(d) all other documents required for the use of the Court.		
5. Fee in respect of all other work carried out by the registrar in his or her capacity as such, in relation to proceedings to which this Table applies, on or after the date on which the proceedings were instituted in accordance with the Ecclesiastical Jurisdiction Measure 1963 or on which a person was authorised to act as complainant in accordance with that Measure (including preparatory and ancillary work and correspondence) – the fee to be calculated at an hourly rate fixed by the Judge in respect of the number of hours certified by the registrar and approved by the Judge as spent on such work..		
6. (a) Subject to sub-paragraph (b) below, paragraphs 1-3 above apply to the Consistory Court, the Arches Court of Canterbury, the Chancery Court of York and the Court of Ecclesiastical Causes Reserved.		
(b) “Judge” means the Chancellor or other presiding		

Judge of any Court concerned, provided that no fees are to be payable under this Table to any member of the Court of Ecclesiastical Causes Reserved.

(c) “Registrar” means the registrar of the Consistory Court, the Arches Court of Canterbury, the Chancery Court of York or the Court of Ecclesiastical Causes Reserved.

(d) Subject to any other order or direction by any Court concerned, fees under this Table are to be paid in accordance with section 62 of the Ecclesiastical Jurisdiction Measure 1963 as if they were costs or expenses to which that section applies.

TABLE 4

Fees for proceedings under the Clergy Discipline Measure 2003(a)

This Table applies to proceedings (including appeals) instituted under section 10 of the Clergy Discipline Measure 2003.

	<i>Judge</i> £	<i>Registrar</i> £
1. Fees payable on the Judge, Registrar of Tribunals, Provincial Registrar or Court giving directions (otherwise than at the hearing in respect of which fees are payable under paragraph 2 of this Table), such fees to be fixed by the Judge within the limits shown.	41–315	32–207
2. Fees payable for a hearing conducted by telephone, in camera or in public, whether interim, final or in relation to penalty or the removal of a penalty —		
(a) if the hearing lasts half a day or less	326	248
(b) if the hearing lasts a whole day or more than a half (fees on same scale for subsequent days).	551	413
3. Fee on the Judge, Registrar of Tribunals or Provincial Registrar preparing a written judgment 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, Registrar of Tribunals or Provincial Registrar as spent on such work..	52	38
4. Fee in respect of all other work carried out by the Registrar of Tribunals or Provincial Registrar in relation to proceedings to which this Table applies, on or after the date on which the proceedings were instituted in accordance with the Clergy Discipline Measure 2003 – the fee to be calculated at an hourly rate fixed by the Judge in respect of the number of hours certified by such registrar and approved by the Judge as spent on such work..		
5. (a) Paragraphs 1-3 above apply to the bishop’s disciplinary tribunal, the Courts of the Vicars-General, the Arches Court of Canterbury, and the Chancery Court of York.		

(a) 2003 No 3.

(b) “Judge” means the person presiding over any tribunal or Court concerned and includes when so presiding the President of Tribunals, the Deputy President of Tribunals, the Dean of the Arches and Auditor and the Vicars-General.

(c) Subject to any other order or direction by any tribunal or Court concerned, fees under this Table are to be paid in accordance with section 62 of the Ecclesiastical Jurisdiction Measure 1963 as if they were costs or expenses to which that section applies.

TABLE 5
Fees payable on taxation of costs

	<i>Fee</i>
	<i>£</i>
1. To be paid to registrar by party applying for taxation on lodging application.	29
2. To be paid to registrar by party applying on taxation of a bill of costs—	
(a) where the amount allowed does not exceed £1,000	50
(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

NOTE

For the taxation of costs in proceedings under the Clergy Discipline Measure 2003, reference in this Table to the registrar means the Registrar of Tribunals, or the Provincial Registrar in the case of an appeal.

TABLE 6
Fees payable for permissions under the Overseas and Other Clergy (Ministry and Ordination) Measure 1967(a) and for issue of the Archbishop’s licence for service chaplains and annual fees payable to some ecclesiastical judges

	<i>Fee</i>
	<i>£</i>
1. Fee payable to the Provincial Registrar for permission under the Overseas Clergy (Ministry and Ordination) Measure 1967	120
2. Fee payable to the Provincial Registrar for issue of the Archbishop’s licence for service chaplains	55
3. Annual fee for the Vicar-General of the Province of Canterbury	2,516
4. Annual fee for the Vicar-General of the Province of York	2,041
5. Annual fee for the President of Tribunals	3,100
6. Annual fee for the Deputy President of Tribunals	3,100

(a) 1967 No 3.

NOTE

These fees are the liability of the Archbishop, subject to the provisions of section 8 of the Measure.

TABLE 7

Fees for duties under the Patronage (Benefices) Rules 1987(a)

Fees for work by the diocesan registrar in connection with—

(1) any search in the register of patrons (“the register”) maintained under Part 1 of the Patronage (Benefices) Measure 1986(b) (rule 10(1));

(2) the making of any extract from the register (rule 10(1));

(3) 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’ (Non-Contentious Business) Remuneration Order 2009(c) 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 (S.I. 1987/773).

TABLE 8

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 of Laity of the General Synod, payable to the diocesan registrar where he or she acts as presiding officer.

Such fees, or fees calculated on such basis, as may be agreed from time to time between the diocesan registrar and the diocesan board of finance.

(a) S.I. 1987/773.
(b) 1986 No 3.
(c) S.I. 2009/1931.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the fees fixed by Table I of the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2011 (“the 2011 Order”) in relation to faculty proceedings (including proceedings in cases under the Care of Places of Worship Measure 1999), 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 proceedings under section 18 of the Care of Cathedrals Measure 2011(a) (including appeals), the fees fixed by Table III of the 2011 Order for proceedings in respect of ecclesiastical offences under the Ecclesiastical Jurisdiction Measure 1963, including the provision for all cases where proceedings have been instituted under that Measure or where a person has been authorised to lay a complaint under the Measure, and appeals and the fees established by Table IV of the 2011 Order for proceedings under the Clergy Discipline Measure 2003.

The Order also increases the additional fees for appeals fixed by Table II of the 2011 Order and the fees for taxation of costs in Table V of the 2011 Order (other than the fees of £50 and 50p payable on taxation of costs, which are fixed at percentages of the £1,000 and £20 figures to which they relate).

The Order also increases the fees payable to the provincial registrars and the annual fees payable to the Vicars-General and the President and Deputy President of Tribunals under Table VI of the 2011 Order. Table 7 of this Order, 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 2009, and Table 8 of this Order, 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 2011 Order.

The revised fees will come into force on 1st January 2013.

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STATUTORY INSTRUMENTS

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