STATUTORY INSTRUMENTS

2017 No. 796

ECCLESIASTICAL LAW, ENGLAND

The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2017

Made - - - -	*3rd May 2017*
Laid before Parliament	*27th July 2017*
Coming into force - -	*1st January 2018*

In accordance with section 6(3) of the Ecclesiastical Fees Measure 1986(**1**), 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 that Measure, makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2017.

(2) This Order comes into operation on 1st January 2018.

(3) In the application of this Order to the diocese of Canterbury—

(a) a reference to the consistory court is to be read as a reference to the commissary court of that diocese, and

(b) a reference to the chancellor is, accordingly, to be read as a reference to the Commissary General.

Faculty fees payable to diocesan boards of finance

2.—(1) This article applies in relation to a petition for a faculty in respect of a building or part of a building, a curtilage of a building or an 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(**2**).

(**1**) 1986 No.2; relevant amendments to section 6 have been 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 and the Care of Places of Worship Measure 1999 (1999 No.2).

(**2**) 1999 No. 2.

(2) On the submission of the petition, a fee of £201 is payable to the diocesan board of finance in respect of work done in relation to the petition (before or after it is submitted) by the diocesan advisory committee or an archdeacon in the diocese.

(3) But the diocesan board of finance may waive the whole or part of that fee, having regard to any financial contribution made to the funds of the diocese by—

(a) those responsible for the building concerned, or

(b) any other person who has a substantial interest in or connection with the building.

(4) No fee is payable under this article in the case of—

(a) a building of the kind specified in section 1(2)(e) of the Care of Places of Worship Measure 1999 (building subject to a sharing agreement), or

(b) a chapel forming part of Lambeth Palace.

(5) In this article, "diocesan board of finance", in relation to a diocese, means the board of that name constituted under the Diocesan Boards of Finance Measure 1925(**3**)

The register of patrons under Part 1 of the Patronage (Benefices) Measure 1986

3.—(1) This article applies in relation to work done by a diocesan registrar in connection with—

(a) a search in the register of patrons maintained under Part 1 of the Patronage (Benefices) Measure 1986(**4**),

(b) the making of an extract from that register, or

(c) the supply of a certified copy of an entry in that register.

(2) The fee payable for the work is a fee of the amount calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 2009(**5**), except in so far as the work is within the scope of any annual fee for the time being payable to the diocesan registrar by virtue of section 5(1) of the Ecclesiastical Fees Measure 1986.

(3) The fee is payable by the person making the search or extract or requesting the copy.

Proceedings before the consistory court

4.—(1) This article applies in relation to proceedings in a consistory court.

(2) In the case of each matter specified in the first column of Table 1, the fee specified in the second or third column is payable to the chancellor or the registrar (as the case may be).

Table 1

		Chancellor	*Registrar*
		£	£
1.	Submission of petition for a faculty.	49	204
2.	Application for an injunction or restoration order under section 13 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(**6**) ("the 1991 Measure").	49	204

(**3**) 15 & 16 Geo. 5 No.3; relevant amendments have been made by the Synodical Government Measure 1969 (1969 No.2).
(**4**) 1986 No. 3
(**5**) S.I. 2009/1931.
(**6**) 1991 No. 1.

		Chancellor	*Registrar*
		£	£
3.	The making of an injunction or restoration order under section 13 of the 1991 Measure on the court's own initiative.	49	204
4.	Application for an order under section 18 of the 1991 Measure.	63	146
5.	Application for a determination under section 68(12) of the Mission and Pastoral Measure 2011(**7**).	104	104
6.	Commencement of any other proceedings which a consistory court has jurisdiction to hear and determine.	63	146
7.	Application for security for costs (otherwise than at a hearing in respect of which a fee is payable under item 8) —		
	(a) at a hearing	258	204
	(b) without a hearing.	128	102
8.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing	258	204
	(b) without a hearing.	128	102
9.	The making of an order that proceedings are to be determined on the consideration of written representations (including the giving of directions for the purpose of determining proceedings on such a consideration).		102
10.	Consideration of written representations (per hour).	128	
11.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	321	255
	(b) for each period of more than half a day and up to a whole day.	642	510
12.	Inspection of a location, a church or other building or anything else (except where the inspection takes place on the same occasion as a hearing) (per hour).	128	102
13.	Preparation of written judgment or form of order (per hour).	128	
14.	Application for assessment of costs by the registrar.		204
15.	Lodging an appeal to the chancellor against an assessment of costs by the registrar.	214	
16.	Application to set aside or amend a faculty, judgment, order or decree.	158	53

(**7**) 2011 No. 3.

		Chancellor	*Registrar*
		£	£
17.	Application to vary a lease or any term of a lease under section 68(7) of the Mission and Pastoral Measure 2011.	63	146
18.	Preparatory or ancillary work, including sending correspondence (per hour).		142

(3) In the case of a matter which comes within item 10, 12, 13 or 18, the chancellor or the registrar (as the case may be) must certify the number of hours spent.

(4) In the case of a matter which comes within item 18, a fee is payable only in exceptional circumstances and if the chancellor so directs.

(5) In the case of a matter for which no fee is specified in Table 1, a fee is payable to the registrar of the amount for the time being prescribed under section 92 of the Courts Act 2003(**8**) in the case of the equivalent matter in the High Court.

(6) 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) a reference in this article to the chancellor is to be read as a reference to the Vicar-General, and

(b) a reference in this article to the registrar is to be read as a reference to the registrar of the province of Canterbury acting as registrar of the Vicar-General's court.

Appeals from consistory court and intervention by provincial court

5.—(1) This article applies in relation to proceedings on an appeal from a consistory court and where a provincial court gives any directions for the further conduct of proceedings which are pending in a consistory court.

(2) In the case of each matter specified in the first column of Table 2, the fee specified in the second or third column is payable to the judge or the registrar (as the case may be).

Table 2

		Judge	*Registrar*
		£	£
1.	Application to the chancellor for a certificate under section 10(3) of the Ecclesiastical Jurisdiction Measure 1963(**9**) and (if needed) for leave to appeal.	125	41
2.	Application to the Dean of the Arches and Auditor for leave to appeal.	239	130
3.	The holding of a hearing by the chancellor or the Dean of the Arches and Auditor on an application for leave to appeal.	432	324

(**8**) 2003 c.39; relevant amendments have been made by the Constitutional Reform Act 2005.
(**9**) 1963 No. 1.

		Judge	*Registrar*
		£	£
4.	Lodging notice of appeal with the Arches Court of Canterbury, the Chancery Court of York or the Court of Ecclesiastical Causes Reserved.		130
5.	Application for security for costs (otherwise than at a hearing in respect of which a fee is payable under item 6)—		
	(a) at a hearing;	346	261
	(b) without a hearing.	174	130
6.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing;	346	261
	(b) without a hearing.	174	130
7.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	432	324
	(b) for each period of more than half a day and up to a whole day.	865	648
8.	Preparation of written judgment or form of order (per hour).	174	
9.	Application for assessment of costs by the registrar.		261
10.	Preparatory or ancillary work, including sending correspondence (per hour).		255

(3) In the case of the Arches Court of Canterbury or the Chancery Court of York—

(a) a fee under item 6 is payable to each member of the Court who joins in the giving of the directions or the making of the order concerned;

(b) a fee under item 7 is payable to each member of the Court involved in the hearing;

(c) a fee under item 8 is payable to each member of the Court who prepares a separate written judgment or is principally responsible for drafting the form of order.

(4) In the case of the Court of Ecclesiastical Causes Reserved, no fee is payable under items 6 to 8 to members of the Court.

(5) In the case of a matter which comes within item 8 or 10, the judge or the registrar (as the case may be) must certify the number of hours spent.

(6) In this article, "judge" means the person presiding over the court concerned.

Proceedings on review by Commission of Review

6.—(1) This article applies in relation to proceedings on a review under section 11 or 14 of the Care of Cathedrals Measure 2011(**10**) ("the 2011 Measure") by a Commission of Review constituted under section 11 of that Measure.

(**10**) 2011 No. 1.