

A Guide

to

Church of England Parochial Fees

January 2015

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Foreword

This Guide to parochial fees is published for the information of parochial clergy and parochial church councils. It replaces the edition produced in 2012 for fees from 1 January 2013. Changes in this edition reflect changes to fees that were made by the Parochial Fees and Scheduled Matters Amending Order 2014, made under the Ecclesiastical Fees Measure 1986 as amended by the Ecclesiastical Fees (Amendment) Measure 2011. The 2014 order came into effect from 1 January 2015.

We have attempted to make the notes reasonably full and helpful but they are intended only as a general guide and may not cover every aspect of the law and practice relating to the particular matters discussed.

In the first instance, it may be appropriate to seek the advice of the Diocesan Registrar, who will be able to advise on arrangements specific to each diocese. The staff of the National Church Institutions' Human Resources Department are always willing to try to answer specific questions.

As a general rule it is not intended that the Guide will be amended except when there is a change in parochial fees legislation. From the coming into effect of the Ecclesiastical Fees (Amendment) Measure 2011 this can happen not only when a change to the law is made by Measure, but also when a Scheduled Matters Amending Order (which may also be a Parochial Fees Order) is passed, as a Scheduled Matters Amending Order alters schedule A1 to the 1986 Measure (as amended). The latest Order to make such changes was the Parochial Fees and Scheduled Matters Amending Order 2014. The 1986 Measure has also been amended by the Church of England (Miscellaneous Provisions) Measure 2014.

Despite this, it can happen that minor changes are made to the Guide when there has not been a change to the legislation. This would happen only when it is decided that what is in the Guide is incomplete or misleadingly worded. When such a change is made, a note of the date of the change will appear under the date of initial publication, on the front cover of the Guide as it appears on the website. This arrangement replaces the system of a series of printed erratum slips and updates (in the form of general letters) which were issued for previous printed editions of the Guide.

Questions about the fees set by the Secretary of State (see paragraphs 29, 32 and 64) should be addressed to the Registrar General at the General Register Office, Smedley Hydro, Trafalgar Road, Birkdale, SOUTHPORT, PR8 2HH, who can also supply details of such fees. The Registrar General issues a booklet entitled "Guidebook for the Clergy" available from <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/ips/general-ips-publications/civil-reg/clergy-guide>. This is designed to be read in conjunction with the Faculty Office booklet 'Anglican marriage in England and Wales. A guide to the law for clergy' available from the Faculty Office, 1 The Sanctuary, London SW1P 3JT.

The separate document 'Frequently Asked Questions' (also available from <https://www.churchofengland.org/weddings-baptisms-funerals/fees.aspx>) gives further information about specific issues. The FAQs are updated as and when questions are asked about matters which have not otherwise been raised, and seem to be of general interest, and also repeats some information which is in the *Guide*, about which questions are frequently asked.

Church House, London, SW1P 3AZ

January 2015

Definitions of terms used in relation to parochial fees

Burial: includes burial in a vault or brick grave and the interment or deposit of cremated remains.

Cemetery: a burial ground maintained by a burial authority. (Burial authority is defined in article 1 of Schedule 26 of the Local Government Act 1972 and means the local authority (or joint committee if two or more local authorities have agreed to work together) charged with the exercise of the functions of a burial authority).

Church: buildings in which services are conducted for which a fee is payable, including chapels which have been licensed or otherwise authorised under the 2011 Mission and Pastoral Measure or the 1949 Marriage Act, but does not include any church or chapel in or belonging to any extra-parochial place which is licensed by the bishop under the 1949 Marriage Act.

Churchyard: includes the curtilage of a church and a burial ground of a church, whether or not immediately adjoining a church.

Crematorium: ‘any building fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto’ (s2 of the Cremation Act 1902)

Minister: used in this Guide to refer to the officiant but has a narrower definition in relation to a service performed in a crematorium or unconsecrated cemetery under the provisions of section 2 of the Church of England (Miscellaneous Provisions) Measure 1992.

Monument: includes headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, marker, flatstone, tombstone or monument or tomb of any other kind.

Other lawful disposal of cremated remains: This means that cremated remains should be disposed of reverently in a churchyard or other burial ground of a parish, or on an area of land designated by the bishop for this purpose, or at sea.

Parochial fees: any fees prescribed in respect of any of the matters set out in Schedule A1 of the Ecclesiastical Fees Measure 1986, as inserted by the Ecclesiastical Fees (Amendment) Measure 2011 and amended by the Parochial Fees and Scheduled Matters Amending Order 2014. (An extract of Schedule A1 to the 1986 Measure, as amended, is attached as an annex to this Guide).

Particular search: a search made with a view to finding a specific entry about which the searcher has some knowledge and where the approximate date is known.

Separate occasion: on any occasion other than immediately preceding or following on from a service in church.

- **Immediately preceding:** includes the day before the day on which the service, burial or cremation takes place.
- **Following on:** includes the day after the service, burial or cremation takes place.

General

1. In this Guide the Ecclesiastical Fees Measure 1986, as amended by the Ecclesiastical Fees (Amendment) Measure 2011, the Church of England (Miscellaneous Provisions) Measure 2014 and the Parochial Fees and Scheduled Matters Amending Order 2014, is referred to as “the 1986 Measure as amended”.

2. “Parochial fees” is the term used in this Guide for fees prescribed under the authority of the 1986 Measure as amended. The definition of “parochial fees” in the Measure is “parochial fees” means any fees prescribed in respect of any of the matters set out in Schedule A1.¹ (An extract from Schedule A1 to the Measure (as amended) is attached as an annex to this Guide). Fees are prescribed for services such as marriages and funerals which an incumbent (i.e. rector, vicar or, in a team ministry, team rector) is under a legal obligation to provide or conduct. That is why, for example, no fees are prescribed for a service of prayer and dedication after a civil marriage (see paragraph 26) or for various “extras”, such as music, bells, flowers, etc. (see paragraphs 23 to 25).

3. The term “minister” is used in this Guide to refer to the officiant but has a narrower definition in relation to a service performed in a crematorium or unconsecrated cemetery under the provisions of section 2 of the Church of England (Miscellaneous Provisions) Measure 1992.

4. The 1986 Measure, as amended, uses the term “church” as a general word for buildings in which services are conducted for which a fee is payable, including chapels which have been licensed or otherwise authorised under the 2011 Mission and Pastoral Measure or the 1949 Marriage Act, but does not include any church or chapel in or belonging to any extra-parochial place which is licensed by the bishop under the 1949 Marriage Act.

5. The term “churchyard” includes the curtilage of a church and a burial ground of a church, whether or not immediately adjoining a church.

DBF fees

6. The fees shown in the first column of the table of parochial fees are payable to the Diocesan Board of Finance. Under transitional arrangements from January 2013, some incumbents continue to be able to retain the DBF fee. To be able to retain fees the incumbent must have satisfied three conditions. These are that:-

1/ he or she continues to be the incumbent of the benefice he or she held on 1 July 2011,

2/ he or she had not signed a Deed of Assignment of fees in favour of the DBF, and

3/ he or she gave written notice to the bishop of the diocese before 1 January 2012 that he or she wished to receive the DBF part of the fee while he or she remained in that post.

7. Only if all three conditions apply will the incumbent be able to continue to receive the DBF part of the fee while he or she remains in that post.

8. The DBF can direct either generally, or in particular cases, that any fee, or part of a fee which would otherwise be payable to it shall be payable to a minister

¹ Section 10 of the 1986 Measure as amended

performing the service. Whether it issues such a direction, and what the direction lays down, is a matter for each DBF to decide.

9. Sometimes it is not clear which DBF is entitled to the DBF part of the fee. Section 1(7) of the 1986 Measure (as amended) specifies that:-

i) where the fee relates to a burial or funeral service which takes place in a church or churchyard, it is the diocesan board of finance of the diocese in which the church or churchyard is situated,

(ii) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, it is the diocesan board of finance of the diocese within which the deceased was a parishioner, provided that, where the deceased was a parishioner in more than one diocese, the fee shall be shared equally between each of the diocesan boards of finance, and, for this purpose, the parish in question shall be construed in accordance with the definition of “parochial church council” (see paragraph 11(ii)(on electoral roll) and (iii) (main residence) below) and “parishioner” shall have effect accordingly, and

(iii) in any other case, it is the diocesan board of finance of the diocese where the service or other event to which the fee relates takes place.

The parochial church council's fees

10. The fees shown in the second column of the table of parochial fees are payable to the parochial church council. These fees should be regarded as a contribution toward the cost of the general upkeep of the church and churchyard for which the council is responsible. The prescribed fees are not, however, intended to include any payment for “extras”. (For more detail on what the statutory fees cover, see paragraphs 18 to 21. For clergy travel expenses to and from funerals see paragraph 42.)

11. Sometimes it is not clear which PCC is entitled to the PCC part of the fee. Section 1(7) of the Measure (as amended) specifies that:-

(i) where the fee relates to a burial or funeral service taking place in a church or churchyard, it is the council of the parish where the church or churchyard is situated,

(ii) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard, it is the council of the parish on whose electoral roll the deceased was entered, provided that where the deceased was entered on the electoral roll of more than one parish, the fee shall be shared equally between each of the councils of those parishes,

(iii) where the fee relates to a burial or funeral service which takes place otherwise than in a church or churchyard and the deceased was not entered on any electoral roll, it is the council of the parish where the deceased had his or her usual place of residence, and

(iv) in any other case, it is the council of the parish where the service or other event to which the fee relates takes place.

12. There is no provision for variable charges according to the size of the building. It is suggested that exceptional cases may be approached through inviting additional (voluntary) donations, following consultation in every case with the archdeacon or other diocesan adviser. The working group that suggested this approach had in mind

situations where exceptional costs were incurred, for example, a civic occasion, or where the service was to be televised.

Fees for services at cathedrals which are parish churches

13. Parochial fees for a parish of which a cathedral is a parish church, which would otherwise be payable to the PCC or the DBF, will be payable to the corporate body of the cathedral.

Waiving parochial fees

14. From time to time a situation may arise where an incumbent/priest in charge or parochial church council feels that a fee should be waived. The 1986 Measure, as amended, gives the incumbent/priest in charge a right to waive the DBF's part of the fee "in a particular case" if he or she so chooses. The PCC has always had the right to waive its part of the fee.

15. In deciding what to do the following need to be borne in mind:-

(a) Parochial fees have been approved by the General Synod and Parliament; they are legally payable;

(b) If an incumbent/priest in charge waives the DBF fee the diocese will in most cases have to find additional funds for stipends. Ultimately these extra funds will have to be provided by the parishes;

(c) The incumbent/priest in charge has a right to waive the DBF fee "in a particular case". That means that the incumbent/priest in charge cannot issue a general, blanket waiver of fees in the parish. There is not a statutory requirement for the incumbent/priest in charge to consult before waiving the DBF fee, but, if an incumbent/priest in charge or PCC is considering whether to waive or reduce a fee, regard should be had to any guidelines laid down by the diocese. The incumbent/priest in charge should be able to account for a particular decision to waive a fee.

16. The incumbent/priest in charge also has a right, after consulting the churchwardens of the parish, to waive any fee payable to the PCC "in a particular case".

17. The Archbishops' Council's advice is that the power to waive fees should only be exercised in cases of clear financial hardship. It is understandable that some clergy have been known to waive fees for those who are long-standing members of the congregation. The Council believes, however, that this practice should not be encouraged.

Costs and expenses included in parochial fees

18. A Parochial Fees Order can specify costs and expenses which are to be included in a parochial fee prescribed by the Order.

19. The 2014 Order specifies that the parochial fees for marriage services and funeral services in church include any costs and expenses incurred in respect of routine administration, including arranging dates and times and the making of entries in registers, making the church available and lighting it.² Accordingly, it is unlawful

² article 2 of Schedule 2 to the Parochial Fees and Scheduled Matters Amending Order 2014 (SI 2014/813)

for an incumbent or PCC to impose any additional charges for making the church available and lighting it in connection with marriage services and funeral services in church.

20. To arrive at the level of fees to include routine administration, making the church available, and lighting the church for marriage and funeral services, the PCC fees have been calculated to include a location/building element based on national statistics for the overall costs of repairs and maintenance of church buildings and the number of hours in use, an element for administrative staffing based on a secretarial rate of pay, and an element for the cost of lighting. PCC fees for burials and monuments include an element towards meeting the cost of long-term maintenance of the churchyard.

21. The cost of heating and providing for the services of a vergers are not covered by the statutory parochial fees.

When fees are due

22. Statutory parochial fees are due on the performance of the office. Clergy cannot refuse to conduct a marriage service, or deny burial, on account of non-payment of the fee, or any advance payment in respect of the fee. However, if the service is provided, and the fee is not paid, it is recoverable under law.

“Extras” and special services

“Extras”

23. Parochial fees do not include payment for “extras”. Examples of the items for which a parish may decide to make an extra charge include:

- * heating;
- * the services of a vergers;
- * the services of an organist, choir or bell-ringers;
- * sheet or recorded music that has to be specially purchased;
- * the provision of recorded or taped music;
- * the taking of films, video or sound recordings (where permitted);
- * flowers;
- * special furnishings.

Note: This list is not intended to be exhaustive or prescriptive.

24. Charges for “extras” are normally payable to the parochial church council or to the person providing the item (e.g. the organist or choristers). The level of such charges is a matter for local agreement, from time to time, between the incumbent and the parochial church council and should take account of any guidelines laid down by the diocese.

25. “Extras” can only lawfully be charged for items over which those receiving the ministry have been given a genuine choice. Although parishes can generate much needed additional income from “extras” the charges need to be both realistic and fair.

“Extras” should never be imposed by the incumbent or PCC where those paying the fees have not agreed that they wish to be provided with the “extras” in question.

The following advice is offered.

(a) Information should be provided that is absolutely clear about the level of any charges and what they cover. Best practise is to have an itemised breakdown, which can be agreed before the service with those who have requested it, and which (in the case of funerals) can be forwarded to the funeral director. See <http://justforvicars-yourchurchwedding.org/> for a link to an itemised form for marriage fees, prepared by the Weddings Project.

(b) In respect of heating, whether or not to have heating, and how much would be charged, if heating was supplied, should be among the issues raised with the person or persons paying for the service, in discussions before the service takes place. It would be inappropriate for the PCC to supply heating regardless, and then present the person or persons paying for the service with an unexpected and unwelcome extra charge. A PCC which did so would have difficulty in showing that it was legally entitled to claim the sums involved.

(c) In respect of vergers, the deployment of the verger and how much any charge would be, arising from the deployment of the verger, should be among the issues raised with the person or persons paying for the service, in discussions before the service takes place. It would be inappropriate for the PCC to deploy a verger regardless, and then present the person paying for the service with an unexpected and unwelcome extra charge. Again, a PCC which did so would have difficulty in showing that it was legally entitled to claim the sums involved.

(d) The guidance offered by the Royal School of Church Music, Incorporated Society of Musicians, Diocesan Guild of Church Bell Ringers and others such bodies should be taken into account when setting the levels for extra charges for music and bell ringers. In this context parishes may wish to know that guideline figures for organists' remuneration are available from the Royal School of Church Music (19 The Close, Salisbury, Wiltshire SP1 2EB).
http://www.rscm.com/info_resources/payingChurchMusicians.php

i. For employed church musicians, the entitlement to receive fees should be clearly addressed within the PCC's contract with that person; model contracts are available from the Organist Publications website <http://www.organistpublications.co.uk/>

ii. Any entitlement to receive a fee even when another person (e.g. a family friend) plays the organ must be clear in the contract and must be made clear to those who ask permission for someone other than the church organist to play for a service, as this can often be a source of misunderstanding and friction.

iii. Entitlement (or not) to an additional fee when a service is recorded/filmed should also be clear in any contract and in information given to those seeking a service.

(e). A PCC must make sure that proper records are kept of all payments for audit and other purposes. The PCC should also make clear to those receiving payments who are not on the PCC's payroll, that they, not the PCC, are responsible for declaring their payments to HMRC for tax purposes.

Overall, clarity of information is the key.

Special services

26. A charge may also be made for special services (e.g. memorial services or services of prayer and dedication after a civil marriage). It is recommended that the

charge for a special service should, where possible, be based on the parochial fee for the equivalent funeral or marriage service.

27. Details of the amounts payable for “extras” or special services should be made known to the parties concerned at the earliest possible stage, and (as stated above in Para 25(a) it is recommended that the amounts should be itemised. See <http://justforvicars-yourchurchwedding.org/> for a link to an itemised form for marriage fees, prepared by the Weddings Project.

Baptisms

28. No fee is payable for the administration of baptism, under the provision of the Baptismal Fees Abolition Act 1872. There is, however, a fee payable for a certificate issued at the time of baptism. It is made clear in the 2014 Order that this means a certified copy of the entry in the register of baptism, in the form prescribed by the Parochial Registers and Records Measure 1978.³ Fees are also prescribed for the giving of a formal, legal certificate of baptism at other times. A fee is also specified for a ‘short’ certificate under the Baptismal Registers Measure 1961. No fee is specified for the issuing of ‘souvenir cards’ that do not comply with the prescribed statutory wording either under the 1978 Measure or the 1961 Measure and thus have no status in law.

29. A fee prescribed by an Order made by the Secretary of State is also payable to an incumbent for a certificate of a name altered or given in baptism.

Marriages

Fees where a chapel is licensed under the Marriage Act 1949

30. A Bishop may grant a licence for marriages to be solemnised in a public chapel. In the past it was possible for the licence to make provision for the payment of fees. Where such a licence prescribes a fee for the solemnisation of a marriage or for any matter for which a parochial fee is also prescribed, it is now the parochial fee that should be paid rather than the fee laid down by the licence. Under the 1986 Measure, as amended, fees apply as set out in paragraphs 6 to 12 above.

Fees where there is a parish centre of worship

31. Where a church or any building or part of a building licensed for public worship has been designated by the Bishop as a parish centre of worship, parochial fees will apply to any funeral or marriage services held in that centre of worship. Fees apply as set out in paragraphs 6 to 12 above.

Fee for marriage certificate

32. A fee prescribed by an Order made by the Secretary of State is additionally payable to the PCC for a certificate of marriage.

Itemised Form for wedding fees

33. The Weddings Project has published an on-line form which could be used for marriages. See <http://justforvicars-yourchurchwedding.org/> for a link to the form.

³ article 2 of part 2 of the schedule to the Parochial Fees and Scheduled Matters Amending Order 2014(SI 2014/813)

Funerals

The concept of a “uniform fee” for funeral services

34. The DBF fee for a service in church is lower than that for a service in a cemetery or crematorium. The reason for this is that, in accordance with long-standing policy approved by the General Synod, and reaffirmed in 2012, parochial fees are structured with the aim of ensuring that the total fee payable for a funeral service held in church will be no greater than if it is held in a cemetery or crematorium. Accordingly, the total of the DBF fee plus the parochial church council's fee for a service in church is the same as the total payable for the service in a cemetery or crematorium. The object is not to deter the family, on grounds of cost, from seeking a funeral service in church - with the pastoral opportunities that that can provide.

35. However, there is a fee payable for a short committal in a cemetery or crematorium immediately preceding or following on from a funeral service in church. See paragraphs 47 to 49.

Stillbirths and deaths of persons who die within sixteen years after birth

36. No fee is payable for the burial of a stillborn infant or for the funeral or burial of a body, or burial or other lawful disposal of cremated remains of a person who dies within sixteen years after birth.

Funerals in cemeteries and at crematoria

37. Parochial Fees are legally payable to the DBF and PCC for funeral services if a clerk in holy orders, a deaconess, reader or licensed lay worker officiates at the service (except for a small number of incumbents on transitional arrangements- see paragraph 6, where the DBF fee is payable to the incumbent).

PCC fee for funeral service at a crematorium or public burial authority cemetery

38. There is an element, payable to the PCC, in the parochial fee for parish administration in respect of a funeral service at a crematorium or public burial authority cemetery. This reflects the principle behind the calculation of fees that they are built up from assumptions about the costs of ministry and the likely number of hours needed to provide the service. An element for administration is now specifically included in parochial fees, and so is included in the fee for a service at a crematorium or public burial authority cemetery, as there must always be a cost to the PCC in the making of arrangements for a service.

Payment of funeral fees and expenses

39. The person in charge of the funeral arrangements is responsible for the payment of the fees for the service performed by a minister in a cemetery or crematorium. Where, by custom, a burial authority has arranged with local clergy and funeral directors to collect and pay the fee, it may do so.

40. Statutory parochial fees are due on the performance of the office. Clergy cannot refuse to conduct a marriage service, or deny burial, on account of non-payment of the fee, or any advance payment in respect of the fee. However, if the service is provided, and the fee is not paid, it is recoverable under law.

Privately owned cemeteries and crematoria

41(a) Fees specified in the table do not apply to privately owned cemeteries if they were established under private Acts of Parliament that make their own provision for fees. So, parochial fees are not payable for funeral and burial services in privately owned cemeteries. However, in practice, fees at the same rate as parochial fees may be payable in such privately owned cemeteries.

(b) All crematoria are subject the same legislation. Fees, payable to DBFs and PCCs, are payable in respect of services that take place at privately owned crematoria, as well as local authority crematoria where the service in question is taken by a clerk in holy orders or by a duly licensed deaconess, reader or lay worker.

Clergy travel expenses to and from funerals

42. Often, the person in charge of the funeral, wherever it may be held, makes suitable arrangements for the transport of the minister to and from that place, and to and from the place where the interment takes place. If this does not happen, the minister concerned may claim any travelling expenses that may necessarily and reasonably be incurred. (The Secretary of the Diocesan Board of Finance may be consulted about any mileage rate generally adopted in the diocese.) See the booklet *The Parochial Expenses of the Clergy – a Guide to their Reimbursement*, which is available on the Church of England website <https://www.churchofengland.org/clergy-office-holders/remuneration-and-conditions-of-service-committee/the-parochial-expenses-of-the-clergy.aspx>

Burials etc.

(The notes in this section are in alphabetical order. See also paragraphs 36 and 37)

“Burial” and “other lawful disposal of cremated remains”

- definition

43. For the purposes of parochial fees, “burial” includes burial in a vault or brick grave and the interment or deposit of cremated remains. Fees are prescribed for the burial of a body, and for the burial of cremated remains in a churchyard or “other lawful disposal of cremated remains.” This means that cremated remains should be disposed of reverently in a churchyard or other burial ground of a parish, or on an area of land designated by the bishop for this purpose, or at sea.⁴

44. The statutory fees for the burial of a body in the churchyard are payable to the DBF and PCC for the burial of a body in a Church of England churchyard or church burial ground even if, at the request of the family, no minister is present or a minister of another denomination officiates at the burial. Such burials are permissible only by virtue of the Burial Laws Amendment Act 1880 which provides that the same fees which would have been payable for a Church of England burial are payable in respect of a burial which is permitted by virtue of the Act.

⁴ See Canon B38 and section 3 of the Church of England (Miscellaneous Provisions) Measure 1992

Burial on separate occasion in cemetery

45. There is a parochial fee for a burial on a separate occasion in a cemetery. Separate occasion is defined as “on any occasion other than immediately preceding or following on from a service in church.” Similarly “immediately preceding” includes the day before the day on which the service, burial or cremation takes place, and “following on” includes the day after the service, burial or cremation takes place.⁵

Circumstances where faculties are required

46. A faculty is required to authorise the interment or deposit of cremated remains in a church or in a closed churchyard or parish burial ground. In such a case, the fees payable, in addition to the fee for the granting of the faculty, are:

- (a) where the act is authorised by a general faculty, the same as the fee for burial in a churchyard;
- (b) where the act is authorised by a particular faculty, such sums as the Chancellor may determine (see also paragraph 58).

Committals at cemeteries and crematoria

47. Separate fees, payable to the DBF, are prescribed for the attendance of a minister at a committal in a public burial authority cemetery or a crematorium immediately preceding or following on from a service in church.

48. These fees are listed in the fees table for funerals, burials, and monuments, as ‘Burial of body, or burial or other lawful disposal of cremated remains, in cemetery immediately preceding or following on from service in church’, and ‘Cremation immediately preceding or following on from service in church.’ Fees are built up from assumptions about the costs of ministry and the likely number of hours needed to provide the service.

49. The appropriate one of these fees is payable in addition to the fee for a funeral service in church, but is not payable if a minister does not attend at the burial authority cemetery or at a crematorium.

Grave-digging

50. The fees for burials do not include charges for grave-digging and subsequent filling in and making good. The cost of this, if the work is done by a parochial officer, should be regulated from time to time by the incumbent and parochial church council. The charges for any bricklaying or mason’s work will also be additional.

Grave spaces and vaults - reservation of

51. Payment of parochial fees does not confer any right to construct a new vault, or an exclusive right to a grave or vault. Where a faculty is granted conferring such rights for a specified period, the amount and destination of any fees, other than the fee for the granting of the faculty, is determined by the Chancellor.

Who has the right of burial in the churchyard

52. Only certain persons have a right by law for their bodies to be buried in the churchyard, provided there is room. These are:

⁵ See article 1 of part 2 of schedule A1 to the 1986 Measure, as amended

- (a) parishioners (which term includes persons dying in the parish);
- (b) non-parishioners who nevertheless have a statutory right (e.g. under the Pastoral Measure 1983, on the formation of a new parish);
- (c) persons on the church electoral roll at the date of death.

53. The burial, in the churchyard of the body, or burial or other lawful disposal of cremated remains of a person who does not have the right of burial in the churchyard is only permissible with the consent of the incumbent. Under section 6 of the Church of England (Miscellaneous Provisions) Measure 1976, the incumbent must, in giving such consent, have regard to any general guidance given by the parochial church council; if there is no incumbent, the priest-in-charge or curate, or, if there is no such person, the area dean may give such consent.

54. Parochial fees for burials apply to all burials (whether of a body or cremated remains). Likewise, the parochial fees for the other lawful disposal of cremated remains apply to all other lawful disposals of cremated remains. Incumbents and PCCs will not be able to charge more (or less) than the parochial fees for the burial of the body or cremated remains, or the other lawful disposal of cremated remains of persons who do not have the right to be buried in the churchyard.

MONUMENTS

Monuments, faculties for, etc.

55. The term “monument” includes headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, marker, flatstone, tombstone or monument or tomb of any other kind. Parochial fees are payable for any monument or additional inscription not requiring a particular, or special, faculty.

56. Legally, no monument can be erected in a churchyard without a faculty. In practice, however, the consistory court generally does not insist on a faculty for an ordinary monument provided it complies with whatever general directions for the diocese the Chancellor may have issued, and provided also that the incumbent consents.

57. A faculty is required for the erection of a monument in a church or for any additional inscription thereon.

58. When a particular, or special, faculty is sought for a monument in a churchyard or a church, or for any additional inscription thereon, the fees payable to the incumbent and/or parochial church council will be determined by the Chancellor.

Monuments for children (persons under the age of 16 years)

59. Fees for monuments commemorating persons under the age of 16 years who have died and whose body or cremated remains are interred in the churchyard, apply as they would if the person who had died was aged 16 years or over.

Vaults

60. See paragraphs 43 and 51

Searches

Deposited registers

61. Attention is drawn to the provisions of the Parochial Registers and Records Measure 1978 (as amended by the Church of England (Miscellaneous Provisions) Measure 1992) whereby some parish registers and records must be deposited in a diocesan record office, and others may be. Where registers have been so deposited, the arrangements for access rest with the authority responsible for the record office.

Statutory searches

62. The custodians of registers retained in a parish have a statutory obligation to make registers of baptisms, marriages and burials available to members of the public at all reasonable hours and to provide, if requested, certified copies of entries.

Statutory charges

63. The table of fees prescribes a statutory charge only for a “particular search”, i.e. a search made with a view to finding a specific entry about which the searcher has some knowledge and where the approximate date is known. The fee for a more general search of a church register is negotiable with the PCC.

64. It should be noted that no fee at all may be charged for a “particular search” for an entry in a marriage register after 30 June 1837. (There is, however, a fee prescribed by the Secretary of State for providing a certified copy of an entry in a marriage register.)

Non-statutory charges

65. Charges for other types of searches in registers retained in the parish should normally be settled by negotiation. It is recommended that this should be on the basis of the rates for the “particular searches” prescribed in the table of fees and the time involved. Examples of searches not covered by the statutory charges are those:

- (a) conducted by correspondence (where a custodian undertakes voluntarily to make a search as a result of correspondence, it is recommended that payment should be sought in advance);
- (b) of a general nature, i.e. not undertaken with a view to tracing a particular entry;
- (c) in registers other than for baptisms, marriages and burials;
- (d) in such civil records as may remain in parochial custody (except for certain tithe documents for which there is a statutory fee).

Custody of records

66. For further information about the custody of parochial registers and records, the *Guide to the Parochial Registers and Records Measure 1978*, Revised Edition (1992) ISBN 978 0 7151 1064 5 is available from Church House Publishing (www.chpublishing.co.uk) or see the Measure itself.

Special arrangements for bona fide research work

67. In some dioceses the Diocesan Books and Documents Committee may have issued guidance as to the basis on which any concessionary charges may be made for

bona fide students or persons carrying out academic research for non-profit motives. In these dioceses custodians of registers should be guided by such advice.

Legislation cited in this Guide

Up to date versions of all legislation cited in this Guide can be found on the legislation website: www.legislation.gov.uk

Baptismal Fees Abolition Act 1872
Baptismal Registers Measure 1961
Burial Laws Amendment Act 1880
Church of England (Miscellaneous Provisions) Measure 1976
Church of England (Miscellaneous Provisions) Measure 1992
Church of England (Miscellaneous Provisions) Measure 2014
Cremation Act 1902
Ecclesiastical Fees Measure 1986
Ecclesiastical Fees (Amendment) Measure 2011
Local Government Act 1972
Marriage Act 1949
Mission and Pastoral Measure 2011
Parochial Fees and Scheduled Matters Amending Order 2014 (Statutory Instrument No 2014/813)
Parochial Registers and Records Measure 1978
Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2014 (Statutory Instrument No 2014/1790)

And

Canon B38

Annex

Extract from

Part 1 of Schedule A1 to the Ecclesiastical Fees Measure 1986 as inserted by the Ecclesiastical Fees (Amendment) Measure 2011, and amended by the Parochial Fees and Scheduled Matters Amending Order 2014

PART 1

TABLE OF MATTERS TO WHICH PAROCHIAL FEES RELATE

BAPTISMS

Certificate issued at time of baptism

Short certificate of baptism given under Section 2 of the Baptismal Registers Measure 1961 (9 & 10 Eliz. 2 No. 2))

MARRIAGES

Publication of banns of marriage

Certificate of banns issued at time of publication

Marriage service

FUNERALS AND BURIALS OF PERSONS AGED 16 YEARS OR MORE

Service in church

Funeral service in church, whether taking place before or after burial or cremation

Burial of body in churchyard immediately preceding or following on from service in church

Burial or other lawful disposal of cremated remains in churchyard immediately preceding or following on from service in church

Burial of body, or burial or other lawful disposal of cremated remains, in cemetery immediately preceding or following on from service in church

Cremation immediately preceding or following on from service in church

Burial of body in churchyard on separate occasion

Burial of cremated remains in churchyard or other lawful disposal of remains on separate occasion

Burial of body, or burial or other lawful disposal of cremated remains, in cemetery on separate occasion

No service in church

Funeral service (including burial of body) at graveside in churchyard

Funeral service (including burial or other lawful disposal of cremated remains) in churchyard

Funeral service in crematorium or funeral service (including burial of body or other lawful disposal of cremated remains) in cemetery

Burial of body in churchyard (committal only)

Burial of cremated remains in churchyard or other lawful disposal of remains (committal only)

Certificate issued at time of burial

MONUMENTS IN CHURCHYARDS Permitted in accordance with rules, regulations or directions made by the Chancellor including those relating to a particular churchyard or part of a churchyard (but excluding a monument authorised by a particular faculty) including inscription on existing monument

SEARCHES IN CHURCH REGISTERS ETC

Searching registers of marriages for period before 1st July 1837—

Searching registers of baptisms or burials (including provision of one copy of any entry)

Each additional copy of an entry in a register of baptisms or burials

Inspection of instrument of apportionment or agreement for exchange of land for tithes deposited under the Tithe Act 1836 (6 & 7 Will. 4 c. 71)

and

Furnishing copies of above (for every 72 words)