

Statutory Document No. 2019/0471



Church Fees Measure (Isle of Man) 2014
Church Offices Measure (Isle of Man) 2011

CHURCH LEGAL FEES (ISLE OF MAN) ORDER 2019¹

Approved by Tynwald: 12 November 2019
Coming into Operation: 1 January 2020

The Sodor and Man Diocesan Board of Finance, after consulting the Vicar General and the Diocesan Registrar, makes this Order under section 7 of the Church Fees Measure (Isle of Man) 2014¹ and paragraph 8 of the Schedule to the Church Offices Measure (Isle of Man) 2011².

1 Title

This Order is the Church Legal Fees (Isle of Man) Order 2019.

2 Commencement

If approved by the Sodor and Man Diocesan Synod, this Order comes into operation on 1 January 2020.

3 Interpretation

In this Order —

“the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018³, as it has effect in the Island⁴;

“the Registrar” means the Diocesan Registrar, and includes a duly appointed deputy Registrar;

“the Vicar General” includes a duly appointed deputy of the Vicar General.

4 Proceedings before the Consistory Court

(1) In proceedings in the Consistory Court, in the case of each matter specified in the first column of the following table, the fees specified in the second

¹ SM 1 of 2014

² SM 1 of 2011

³ 2018 No.3

⁴ SM 2 of 2019

and third columns are payable to the Vicar General and the Registrar respectively.

<i>Matter</i>	<i>Vicar General</i> £	<i>Registrar</i> £
1. Submission of application for a faculty	50	210
2. Application for an injunction or restoration order under section 71 or 72 of the 2018 Measure	50	210
3. The making of an injunction or restoration order under section 71 or 72 of the 2018 Measure on the court's own initiative	50	210
4. Application for an order under section 63 of the 2018 Measure (emergency demolition)	65	150
5. Commencement of any other proceedings which the Consistory Court has jurisdiction to hear and determine	65	150
6. Application for security for costs (otherwise than at a hearing in respect of which a fee is payable under item 7) –		
(a) at a hearing	266	210
(b) without a hearing	132	105
7. The giving of directions or the making of an interlocutory order –		
(a) at a hearing	266	210
(b) without a hearing	132	108
8. 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 consideration)	-	105
9. Consideration of written representations (per hour)	132	-
10. 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	330	263
(b) for each period of more than half a day and up to a whole day	661	525

11. 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)	132	105
12. Preparation of written judgment or form of order (per hour)	132	-
13. Application for assessment of costs by the Registrar	-	210
14. Lodging an appeal to the Vicar General against an assessment of costs by the Registrar	220	-
15. Application to set aside or amend a faculty, judgment, order or decree	163	55
16. Preparatory or ancillary work, including sending correspondence (per hour)	-	146

- (2) In the case of a matter which comes within item 1, no fee is payable by the minister, churchwardens or parochial church council of a parish.
- (3) Paragraph (2) does not apply to an application for a confirmatory faculty authorising retrospectively works already carried out (otherwise than in an emergency).
- (4) In the case of a matter which comes within item 9, 11, 12 or 16, the Vicar General or the Registrar, as the case may be, must certify the number of hours spent.
- (5) In the case of a matter which comes within item 16, a fee is payable only in exceptional circumstances and if the Vicar General so directs.
- (6) In the case of a matter for which no fee is specified in the above table, a fee is payable to the Registrar of the amount for the time being prescribed under the general fee power (within the meaning of the Interpretation Act 2015⁵) in the case of the equivalent matter in the High Court.

5 Travel, subsistence, accommodation and court hearings

A fee provided for by this Order is to be increased by a sum for reasonable expenses of travel, subsistence, accommodation and the holding of court hearings.

⁵ AT 11 of 2015

6 Value added tax

Where value added tax is chargeable in respect of the provision of a service for which a fee is provided for by this Order, the amount of the value added tax chargeable is payable in addition to that fee.

7 Revocation

The Church Legal Fees (Isle of Man) Order 2018⁶ is revoked.

MADE 8 OCTOBER 2019

⁶ SD 2018/0331

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.