



Statutory Document No. 2014/0108

## CHURCH FEES MEASURE (ISLE OF MAN) 2014

*Approved by Sodor and Man*

*Diocesan Synod*

*6th November 2013*

*Approved by Tynwald*

*21st January 2014*

*Royal Assent given*

*18th March 2014*

*Announced to Tynwald*

*18th March 2014*

A MEASURE enacted pursuant to the Church Legislation Procedure Act 1993 to make new provision for ecclesiastical fees

### **1. Short title**

The short title of this Measure is the Church Fees Measure (Isle of Man) 2014.

### **2. Commencement**

This Measure comes into operation on such day or days as the Bishop may by order appoint.

### **3. Interpretation**

In this Measure "the Board" means the Sodor and Man Diocesan Board of Finance.

### **4. Parochial fees**

- (1) The Board may by order prescribe fees in respect of all or any of the following —
  - (a) duties carried out by —
    - (i) a clerk in holy orders,
    - (ii) a duly licensed deaconess, reader or lay worker, or
    - (iii) a sexton or parish clerk,

- in relation to any matter specified in Schedule 1;
- (b) the publication of banns of matrimony by a lay person under section 9(2) of the Marriage Act 1984<sup>1</sup>;
  - (c) a search allowed to be made in a register book of baptisms or burials, or the giving of a certified copy of an entry in such a book, by a churchwarden under section 26(1) of the Church Records Measure (Isle of Man) 2000<sup>2</sup>.
- (2) An order under subsection (1) may include provision —
- (a) that a fee prescribed by the order shall be payable to —
    - (i) the person by whom any duties are carried out,
    - (ii) a parochial church council, or
    - (iii) the Board;
  - (b) that no fee shall be payable in respect of a matter specified in the order;
  - (c) specifying costs and expenses which are to be included in a fee, or to be payable in addition to a fee, in respect of a matter so specified;
  - (d) prescribing an increase in fees —
    - (i) by specifying that increase,
    - (ii) by means of an arithmetical formula,
    - (iii) by means of a formula related to a published index of price or earnings increases which is of general application, or
    - (iv) by means of a combination of both such formulae;
  - (e) for such incidental or supplemental matters as the Board consider necessary or desirable for the purposes of the order.

## **5. Amendment of Schedule 1**

The Board may by order amend Schedule 1 by altering, omitting or adding to any of the matters mentioned in it, including any note in Part 2 of that Schedule.

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<sup>1</sup> 1984 c.13

<sup>2</sup> SD 533/00

**6. Waiver of fees**

- (1) The incumbent or priest in charge of a benefice in the area of which a service or other event takes place may —
  - (a) with the consent of the Board, waive any fee payable to the Board in respect of that service or event; or
  - (b) with the consent of the council, waive any fee payable to a parochial church council in respect of that service or event.
- (2) A consent under subsection (1)(a) or (b) may be given either generally in respect of any description of fees, services or events, or in respect of a particular fee, service or event.

**7. Remuneration of Vicar General**

- (1) This section applies to the following officers —
  - (a) the Vicar General;
  - (b) a duly appointed deputy of the Vicar General.
- (2) The Board shall pay to an officer to whom this section applies —
  - (a) such honorarium or annual fee (if any), and
  - (b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),as may be agreed between the Board and the officer.
- (3) The Board may by order prescribe fees to be payable to an officer to whom this section applies in respect of any duties specified in the order which are performed or to be performed by that officer.
- (4) An order under subsection (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.
- (5) Before making an order under subsection (3) the Board shall consult the Vicar General.

**8. Procedure for orders**

- (1) An order under section 4, 5 or 7(3) —
  - (a) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod, and

(b) shall be laid before Tynwald as soon as may be after it is made.

- (2) If Tynwald, at the sitting at which an order under section 5 is laid or the next following sitting, resolves that the order be annulled, it shall cease to have effect.

**9. Recovery of fees.**

A fee prescribed under this Measure shall be recoverable as a debt.

**10. Transitional and consequential provisions**

- (1) The transitional provisions in Schedule 2 have effect.
- (2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 4 are repealed to the extent specified in column 3 of that Schedule.

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Section 4.

SCHEDULE 1

PART 1

TABLE OF MATTERS TO WHICH FEES MAY RELATE

*Vacant benefices*

1. The performance of occasional ecclesiastical duties in vacant benefices.

*Baptisms*

2. Certificate issued at time of baptism

*Marriages*

3. Grant of special licence or common licence for marriage
4. Publication of banns of marriage
5. Certificate of banns issued at time of publication
6. Marriage service in church
7. Service of prayer and dedication in church after a civil marriage
8. Service of thanksgiving for marriage in church

*Funerals and burials of persons aged 16 years or more*

*A. Service in church*

9. Funeral service in church, whether taking place before or after burial or cremation
10. Burial in burial ground immediately preceding or following on from service in church
11. Cremation immediately preceding or following on from service in church
12. Burial of body in burial ground on separate occasion
13. Burial of cremated remains in burial ground or other lawful disposal of remains on separate occasion
14. Memorial service in church

*B. No service in church*

15. Service at graveside
16. Service in crematorium or cemetery chapel
17. Burial of body in burial ground
18. Burial of cremated remains in burial ground or other lawful disposal of remains

*C. Certificate of burial*

19. Certificate issued at time of burial

*Monuments in burial grounds*

20. Erection or construction of monument permitted in accordance with rules, regulations or directions made by the Vicar General including those relating to a particular burial ground or part of a burial ground (but excluding a monument authorised by a particular faculty)
21. Inscription on, or other addition to, an existing monument

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### *Searches in church registers etc*

22. Searching registers of baptisms or burials
23. Provision of copy of entry in any register of baptisms or burials

### PART 2

#### EXPLANATORY NOTES ON PART 1

##### *Burial etc. on a separate occasion.*

1. In relation to the fee for a burial, cremation or other disposal —
  - (a) "on separate occasion" means on any occasion other than immediately preceding or following on from a service in church;
  - (b) "immediately preceding" includes the day before that on which the service or disposal takes place;
  - (c) "following on" includes the day after that on which the service or disposal takes place.

##### *Burial etc. of infant*

2. No fee is payable in respect of the funeral, or the burial, cremation or other disposal of the remains, of a still-born infant or of a child dying before attaining the age of 16 years.

##### *Burial of cremated remains in church or closed burial ground*

3. Where cremated remains are buried in or under a church or in a closed burial ground, the fees payable to the parochial church council and the Board or either of them are—
  - (a) where burial is authorised by a particular faculty, such sums as may be determined by the Vicar General, who shall specify the person or persons entitled to receive them;
  - (b) otherwise, the fees prescribed for burial in a burial ground.

##### *Burial or cremation in municipal cemetery or crematorium*

4. No fee is payable in respect of —
  - (a) a service at a burial in a cemetery provided under the Douglas Cemetery Act 1895<sup>3</sup> for which a fee is fixed under section 14 of that Act, or
  - (b) a burial service before, at or after cremation for which a fee is fixed under section 11 of the Cremation Act 1957<sup>4</sup> or under the said section 14.

##### *Monuments in churchyards*

5. Where a monument in a churchyard is erected or an additional inscription on a monument is made under the authority of a particular faculty, the fees payable to the Board and the parochial church council or either of them shall be such sums as may be determined by the Vicar General, who shall specify the person or persons entitled to receive them.

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<sup>3</sup> VII p.93

<sup>4</sup> XVIII p.789

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### *Searches in registers, etc.*

6. The search fee relates to a particular search where the approximate date of the baptism or burial is known. The fee for a more general search of a church register is negotiable with the parochial church council.

### *Definitions*

7. In this Schedule —
  - "burial" includes the opening of a vault or grave, deposit in a vault or brick grave and the interment or deposit of cremated remains;
  - "burial ground", subject to paragraph 4, includes a cemetery provided under the Douglas Cemetery Act 1895<sup>5</sup>;
  - "monument" includes a headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, flatstone, tomb, tombstone or other memorial of any kind;
  - "prescribed" means prescribed by an order under section 4.

Section 10(1).

## SCHEDULE 2

### TRANSITIONAL PROVISIONS

#### *Fees*

1. Any fee prescribed under an enactment repealed by this Measure, or by a statutory provision extended to the Island by such an enactment, and in force immediately before the coming into operation of this Measure shall be treated as if it were prescribed under section 4 or 7(3), as the case may be.

#### *Vicar-General's remuneration*

2. Any fund, or the income of any fund, held or managed by the Board which immediately before the coming into operation of this Measure is to be applied wholly or partly towards the remuneration of the Vicar General shall cease to be so applicable and shall be held by the Board for the general purposes of the Board.

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<sup>5</sup> VII p.93

*Church Fees Measure (Isle of Man) 2014*

Section 10(1).

SCHEDULE 3

AMENDMENT OF ENACTMENTS

*Church Act 1969 (XXI p.94)*

1. In Schedule 1, after paragraph 3 insert —  
"3A. Section 63 (which relates to fees) shall be omitted."  
*Church Act 1979 (c.10)*
2. In Schedule 2, for paragraph 2A substitute —  
"2A. In section 6(3) of that Measure, the words from "There shall" onwards shall be omitted."  
*Church Records Measure (Isle of Man) 2000 (SD 533/00)*
3. In section 26 —
  - (a) in subsection (1), for "section 1 of the Ecclesiastical Fees Measure 1986" substitute "the Church Fees Measure (Isle of Man) 2014";
  - (b) in subsection (2)(b), for "Ecclesiastical Fees Measure 1986" substitute "Church Fees Measure (Isle of Man) 2014".  
*Clergy Discipline Measure (Isle of Man) 2005 (SD 538/05)*
4. In Schedule 1, after paragraph 13 insert —  
"13A. In section 35(1), omit "Section 63 (fees payable)".".  
*Church Offices Measure (Isle of Man) 2011 (SD 624/11)*
5. For paragraph 8 of the Schedule substitute —  
"8. *Remuneration*
  - (1) This paragraph applies to the following officers —
    - (a) the Registrar;
    - (b) a duly appointed deputy Registrar.
  - (2) The Board shall pay to an officer to whom this paragraph applies —
    - (a) such honorarium or annual fee (if any), and
    - (b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),  
as may be agreed between the Board and the officer.
  - (3) The Board may by order prescribe fees to be payable to an officer to whom this paragraph applies in respect of any duties specified in the order which are performed or to be performed by that officer.
  - (4) An order under sub-paragraph (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.
  - (5) Before making an order under sub-paragraph (3) the Board shall consult the Registrar.
  - (6) An order under sub-paragraph (3) —



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- (a) shall not have effect unless it is approved by the Synod, and
- (b) shall be laid before Tynwald as soon as may be after it is made."

Section 10(4).

SCHEDULE 4

ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
XVIII p.789	Cremation Act 1957.	Section 8(2).  In section 11, the words "made or approved by the Ecclesiastical Committee of Tynwald or".
XXI p.94	Church Act 1969.	Section 6.  In section 7, the words "or section 6".
1986 c.26	Burials Act 1986.	Section 18.  In section 23, paragraph (d).
GC 3/91	Church (Miscellaneous Provisions) Measure (Isle of Man) 1990.	Section 5.  Schedule 5.
GC 485/92	Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992.	In the Schedule, paragraphs 9 and 30(4).
SD 533/00	Church Records Measure (Isle of Man) 2000.	Section 26(9).