

PAROCHIAL FEES AND CATHEDRALS

There have recently been a number of queries about the new parochial fees and their applicability to cathedrals, and the relationship between the Ecclesiastical Fees Measure 1986, the Cathedrals Measure 1999 and the Marriage Measure 2008. Saira Salimi of the Legal Office has been consulted on these issues.

When do parochial fees apply?

Parochial fees apply where a cathedral is also a parish church but do **not** apply to cathedrals which do not have a dual role. Section 1(8) of the Ecclesiastical Fees Measure 1986 provides that where a cathedral is the parish church the fees prescribed in the Parochial Fees Order are payable to the cathedral instead of the PCC or the DBF. There is no provision for the fees to be different if the parish church is a cathedral; the view was taken at the time the provision was drafted that parishioners should not be penalised because their parish church happened to be the cathedral. From time to time there have been discussions of making separate provision for cathedral fees, but that this has never found favour.

Does the Cathedrals Measure 1999 result in all cathedrals being the same?

The Cathedrals Measure did away with the distinction between parish church cathedrals and dean and chapter cathedrals by aligning the governance requirements, so that there is now no distinction between how the two types of cathedral are constituted and organised. However, a cathedral that was the parish church before the Measure continues to be the parish church after it came into force, and that is reflected in sections 11 and 12 of the Measure. Section 11 provides for designation of part only of a cathedral as the parish church. Section 12 makes provision for the application of certain provisions relating to PCCs in the context of a cathedral which did not have a dean and chapter before the coming into force of the Measure.

The Cathedrals Measure 1999 had no effect on the Ecclesiastical Fees Measure 1986 because there was no express or implied repeal by the 1999 Measure of the provisions in the 1986 Measure relating to a cathedral which is the parish church.

What is the impact of the Marriage Measure 2008 on cathedrals?

Section 1 of the Church of England Marriage Measure 2008 excludes cathedrals, whether they have a parish or not, only in relation to the “qualifying connection” provisions. It does not affect the ordinary right of a parishioner or a member of the electoral roll to be married in the parish church of the parish in he or she lives and/ or worships.

How can cathedrals with parishes mitigate the adverse impact of the new parochial fees on their income?

It is open to parish church cathedrals to provide in their statutes (by virtue of s. 11(c) of the Cathedrals Measure 1999) that only part of the cathedral is “the parish church”. If such provision is made, it would mean, for example, that couples were entitled to be married only in that part of the

cathedral and that if they wanted to be married elsewhere in the cathedral the Chapter would be entitled to request a substantial donation to cover the costs of light, heat etc. for the wedding.

It would also be open to a cathedral which no longer wished to be a parish church to ask the diocese to make a pastoral scheme which would redraw the parish boundaries so that the “parish” was limited to the cathedral precincts.

Should Chapters make decisions to waive fees for certain people or groups?

The Archbishops’ Council has advised churches not to waive fees for, for example, long-standing members of the congregation. Chapters have discretion to determine whether or not to charge fees. Chapters of cathedrals with no parish have absolute discretion over their fees, although a number observe the parochial fees in respect of cathedral community members. Chapters of cathedrals with a parish should observe parochial fees in respect of the parish church.

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