

## SCHEDULES

### SCHEDULE 1

Section 2(4).

#### PROVISIONS RELATING TO THE LIST

- 1 Subject to paragraph 2 below, an application in respect of any building may be made for the purposes of this Measure as follows—
  - (a) in the case of a building falling within paragraph (a), (c) or (d) of section 1(2) above (peculiars, religious communities, universities etc.),—
    - (i) if it is held on charitable trusts, by the charity trustees;
    - (ii) otherwise, by the person or body having the general control and management of the building;
  - (b) in the case of a building falling within paragraph (b) (episcopal houses of residence), by the bishop or archbishop concerned;
  - (c) in the case of a building falling within paragraph (e) (shared churches), by the person or body having the general control and management of the building.
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  - (1) In the case of a building falling within paragraph (b) of section 1(2) above (episcopal houses of residence), an application shall not be made without the consent of the Church Commissioners nor—
    - (a) in the case of Lambeth Palace or Old Palace Canterbury, during a vacancy in the office of the Archbishop of Canterbury;
    - (b) in the case of Bishopthorpe Palace, during a vacancy in the office of the Archbishop of York;
    - (c) in any other case, during a vacancy in the see in which the building is situated.
  - (2) In the case of a building falling within paragraph (c) (religious communities), an application shall not be made without the consent of the superior of the religious community concerned. The superior may consult the Visitor before deciding whether or not to consent.
  - (3) In the case of a building which is part of a prison, an application shall not be made without the consent of the Chaplain-General of Prisons.
  - (4) In the case of a building falling within paragraph (e) (shared churches), an application shall not be made unless the requirements of the relevant sharing agreement, or of any arrangements made under it, relating to consultation or consent in the management of the building have been complied with.
  - (5) In the case of a building falling within paragraph (a) or (d) (peculiars, universities etc.) an application shall not be made without the consent of the Visitor (if any).
  - (6) In the case of an application to which paragraph 1(a)(ii) above applies the application shall not be made without the consent—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in the case of a building which is not subject to a tenancy, of the person who is for the time being the estate owner in respect of the fee simple in the building; or
- (b) in the case of a building which is subject to a tenancy—
  - (i) where the estate owner is the applicant, of the person who is for the time being entitled to the tenancy;
  - (ii) where that person is the applicant, of the estate owner;
  - (iii) otherwise, of both that person and the estate owner:

Provided that this paragraph shall not apply if the Council is satisfied that the estate owner or person entitled to the tenancy cannot be found after reasonable efforts to find him have been made or that it is impracticable to seek his consent.

3        In respect of each building included in the list, such details of the objects and structures fixed to it as shall be prescribed shall be contained in or attached to the list.

4        (1) The list shall, by appointment, be open to inspection by members of the public at the offices of the Council during normal office hours.

(2) Any person shall be entitled to be supplied with a copy of any entry or document relating to a building included in the list on payment of such reasonable charge as may be determined from time to time by the Council in respect of the costs incurred by it.

5        (1) The Council shall, at least once in every period of five years, send a copy of the list to—

- (a) the Secretary of State,
- (b) the Historic Buildings and Monuments Commission for England, and
- (c) the national amenity societies (within the meaning of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991),

and shall also send to each Diocesan Advisory Committee in whose area a building included in the list is situated a copy of those parts of the list which relate to that building.

(2) Where a building is included in or removed from the list or the entry relating to a building included in the list is altered, the Council shall inform the diocesan registrar concerned, the Diocesan Advisory Committee of the diocese in which the building is situated and each of the bodies mentioned in sub-paragraph (1)(a), (b) or (c) above accordingly.

(3) A Diocesan Advisory Committee, on receiving any document sent to it by the Council under this paragraph, shall send to each local planning authority in whose area a building mentioned in the document is situated a copy of those parts of the document which relate to that building.

6        In this Schedule—

“charity trustees” means the persons having the general control and management of the administration of the charity in question;

“local planning authority” in relation to any area means the body exercising the functions of a local planning authority under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that area.

## SCHEDULE 2

Section 4.

### AMENDMENT OF ECCLESIASTICAL FEES MEASURE 1986

- 1 Section 6 of the Ecclesiastical Fees Measure 1986 shall be amended as follows.
- 2 After subsection (1) there shall be inserted the following subsection—
  - “(1A) The Fees Advisory Commission may also make recommendations as to the fees to be paid in respect of such functions performed by Diocesan Advisory Committees and archdeacons in connection with proceedings or proposed proceedings to which this subsection applies as are specified by the Commission to such persons as are so specified, and an order made under subsection (1) above may give effect to those recommendations.

This subsection applies to proceedings for obtaining a faculty in respect of any building (including any monument, curtilage, object or structure belonging to it) which is subject to the faculty jurisdiction of a consistory court by virtue of section 3 of the Care of Places of Worship Measure 1999, not being a building which is subject to a sharing agreement made on behalf of the Church of England in pursuance of the Sharing of Church Buildings Act 1969.”.
- 3 In subsections (4) and (5) for the words “Ecclesiastical Judges and Legal Officers (Fees) Order” in both places where they occur there shall be substituted the words “order made under subsection (1) above”.