



Care of Cathedrals Measure 2011

2011 No. 1

PART 2 **E**

APPROVAL FOR WORKS TO CATHEDRALS AND APPROVAL BODIES

Appeals

10 Appeals to Cathedrals Fabric Commission **E**

- (1) Where, on an application made by the Chapter for the approval of the fabric advisory committee, approval is refused or is given subject to conditions, the Chapter may within the prescribed period appeal to the Commission.
- (2) Where, on an application made by the Chapter for the approval of the fabric advisory committee, the application is not determined by the fabric advisory committee with the period of 3 months immediately following the making of the application, the Chapter may, by notice given within the prescribed period to the Commission, request that the application be dealt with by the Commission.
- (3) The Commission, on considering an appeal under subsection (1), may reverse, confirm or vary the decision of the fabric advisory committee or any part of it.
- (4) The Commission, on dealing with an application for approval under subsection (2), shall, after considering any representations made to the fabric advisory committee under section 8, determine whether to give its approval to the proposal, either unconditionally or subject to such conditions as it may specify, or whether to refuse to give its approval; and any such determination shall have effect as if it had been given by the fabric advisory committee, except that subsection (1) shall not apply in respect of the determination.

Commencement Information

II S. 10 in force at 1.9.2011 by 2011 No. 2, art. 2

Status: Point in time view as at 01/09/2018.

Changes to legislation: There are currently no known outstanding effects for the Care of Cathedrals Measure 2011, Cross Heading: Appeals. (See end of Document for details)

11 Commission of Review **E**

(1) Where—

- (a) on an application for approval made to the Commission (including an application being dealt with by the Commission under section 10(2)), the Commission refuses to give its approval or gives approval subject to conditions, or
- (b) on an appeal to the Commission under section 10(1), the Commission refuses to give its approval or refuses to reverse or vary conditions subject to which approval was given by the fabric advisory committee,

the Chapter may, by notice given within the prescribed period to the registrar of the province in which the cathedral church is situated, request that the decision of the Commission be reviewed by a Commission of Review constituted under this section.

(2) Where, on an application for approval made to the Commission (including an application being dealt with by the Commission under section 10(2) or on an appeal to the Commission under section 10(1)), the application or appeal is not determined by the Commission within the period of 3 months immediately following the end of the period prescribed for the purposes of section 9 or 10(1) or (2), as the case may be, the Chapter may, by notice given within the prescribed period to the registrar of the province in which the cathedral church is situated, request that the application or appeal be dealt with by a Commission of Review constituted under this section.

(3) A Commission of Review shall be constituted of—

- (a) the Dean of the Arches and Auditor or a person appointed by him or her, being a person who is qualified under [F1section 10 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] to be appointed Dean of the Arches and Auditor;
- (b) one person appointed by the Archbishops of Canterbury and York, being a person who is or has been a dean, provost or residentiary canon of a cathedral church other than the cathedral church to which the application or appeal relates; and
- (c) one person appointed by the Secretary of State, being a person who has special knowledge of the architecture, archaeology, art (including history of art) or history of cathedral churches;

but no person who has been a member of the Cathedrals Fabric Commission at any time during the preceding 5 years shall be appointed under paragraph (b) or (c).

(4) A Commission of Review, on reviewing a decision of the Cathedrals Fabric Commission, may reverse, confirm or vary that decision or any part of it.

(5) A Commission of Review, on dealing with an application for approval under subsection (2), shall, after considering any representations made to the Commission under section 9, determine whether to give its approval either unconditionally or subject to such conditions as it may specify, or whether to refuse to give its approval, and any such determination shall, subject to subsection (7), have effect as if it had been given by the Commission.

(6) A Commission of Review, on dealing with an appeal under subsection (2), may reverse, confirm or vary the decision of the fabric advisory committee or any part of it.

(7) The decision of a Commission of Review shall be final.

Status: Point in time view as at 01/09/2018.

Changes to legislation: There are currently no known outstanding effects for the Care of Cathedrals Measure 2011, Cross Heading: Appeals. (See end of Document for details)

Textual Amendments

- F1** Words in s. 11(3)(a) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 1 para. 26** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

Commencement Information

- I2** S. 11 in force at 1.9.2011 by [2011 No. 2](#), art. 2

12 Conditions applying to approval **E**

- (1) Any approval given to an application under this Measure shall lapse at the expiry of the period of ten years from the date on which notice of the decision is given to the Chapter, provided that the body which gave the approval may extend that period by such period as it may specify.
- (2) As soon as possible after the completion of any work for which approval has been given, the administrator of the cathedral shall notify the fabric advisory committee or the Commission, as the case may be, of the date of the completion.
- (3) In subsection (1) the reference to the date on which notice of the decision is given shall, in the case of an appeal to the Commission under section 10(1) or an application for review by a Commission of Review under section 11(1), be construed as a reference to the date on which notice of the decision of the Commission or, as the case may be, of the Commission of Review, is given to the Chapter.
- (4) Subsection (1) shall apply to approvals given before 1st January 2008 as if for the reference to 10 years from the date referred to in that subsection there were substituted a reference to 1st January 2018.

Commencement Information

- I3** [S. 12](#) in force at 1.9.2011 by [2011 No. 2](#), art. 2

13 Registers of applications **E**

- (1) The Commission and any fabric advisory committee shall each keep a register, in the prescribed form, of applications for approval dealt with by them and shall make such arrangements as are prescribed—
 - (a) for inspection of the registers by any person;
 - (b) for the supply, on application by any person, of extracts of that part of the register which relates to an application for approval specified by that person;
 - (c) for enabling the Commission or a fabric advisory committee to supply, if it thinks fit, copies of the whole register or further parts of it, on application by any person.
- (2) The Commission or any fabric advisory committee may impose a fee of a reasonable amount for the supply of copies of or extracts from the register under subsection (1) and the amount charged may vary according to the circumstances.

Status: Point in time view as at 01/09/2018.

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Commencement Information

I4 S. 13 in force at 1.9.2011 by 2011 No. 2, art. 2

14 Right of appeal by tenant E

- (1) Where the Commission or a fabric advisory committee has refused approval for a proposal from a Chapter of a cathedral for the carrying out of works by a tenant for which the Chapter's consent is required or given approval subject to conditions, the tenant may, within the prescribed period and subject to subsection (2), appeal to the Commission (against a decision of a fabric advisory committee) or request that a decision of the Commission be reviewed by a Commission of Review constituted under section 11.
- (2) Subsection (1) applies whether or not the Chapter has appealed against the refusal or the imposition of conditions, or requested that the decision be reviewed by a Commission of Review, as the case may be.
- (3) A tenant who appeals or requests a review under subsection (1) shall give written notice of the appeal or review to the Chapter.
- (4) The Chapter shall be entitled to appear at the proceedings on any appeal or review under subsection (1).
- (5) Sections 10(3) and 11(4) shall apply to an appeal or review under subsection (1) as they apply to an appeal or review under those sections.

Commencement Information

I5 S. 14 in force at 1.9.2011 by 2011 No. 2, art. 2

Status:

Point in time view as at 01/09/2018.

Changes to legislation:

There are currently no known outstanding effects for the Care of Cathedrals Measure 2011, Cross Heading: Appeals.