



Church of England (Miscellaneous Provisions) Measure 2020

2020 No. 1

Care of churches

5 Cathedrals: power to vary or revoke approvals

(1) In section 8 of the Care of Cathedrals Measure 2011 (application for approval of fabric advisory committee), after subsection (3) insert—

“(4) The fabric advisory committee, whether on the application of the Chapter or on its own initiative, may vary or revoke an approval, or a condition of an approval, given under this section.

(5) The fabric advisory committee may not exercise the power under subsection (4) in a way which would, in its opinion, result in the approval of a proposal substantially different from the proposal originally given approval.

(6) Subsection (3) applies to a decision by the fabric advisory committee to exercise, or not to exercise, the power under subsection (4) as it applies to a decision by it whether to give, or to refuse to give, its approval to a proposal.

(7) For the purposes of subsection (6), subsection (3) has effect as if for paragraph (c) there were substituted—

“(c) to any body or person to whom notice of the original application was required to be sent by virtue of subsection (1) (b).”

(2) In section 9 of that Measure (application for approval of Cathedrals Fabric Commission), after subsection (7) insert—

“(7A) The Commission, whether on the application of the Chapter or on its own initiative, may vary or revoke an approval, or a condition of an approval, given under this section (including an approval given by virtue of subsection (8)).

Status: This is the original version (as it was originally enacted).

- (7B) The Commission may not exercise the power under subsection (7A) in a way which would, in its opinion, result in the approval of a proposal substantially different from the proposal originally given approval.
- (7C) Subsection (7) applies to a decision by the Commission to exercise, or not to exercise, the power under subsection (7A) as it applies to a decision by it whether to give, or to refuse to give, its approval to a proposal.”
- (3) In section 10 of that Measure (appeal to Cathedrals Fabric Commission), after subsection (1) insert—
- “(1A) Where the fabric advisory committee decides to exercise, or not to exercise, the power under section 8(4) to vary or revoke an approval or a condition of an approval, the Chapter may within the prescribed period appeal to the Commission.”
- (4) In subsection (3) of that section, after “subsection (1)” insert “or (1A)”.
- (5) In section 11 of that Measure (Commission of Review), in subsection (1), after paragraph (a) and the following “or” insert—
- “(aa) the Commission decides to exercise, or not to exercise, the power under section 9(7A) to vary or revoke an approval or a condition of an approval, or”.
- (6) In that subsection, after paragraph (b) insert “or
- (c) on an appeal to the Commission under section 10(1A), the Commission refuses to reverse or vary a decision or any part of a decision by the fabric advisory committee to exercise, or not to exercise, the power under section 8(4) to vary or revoke an approval or a condition of an approval,”.
- (7) In section 13 of that Measure (registers of applicants), after subsection (1) insert—
- “(1A) Each register kept under subsection (1) shall, if an approval dealt with by the body keeping the register is varied or revoked or a condition of such an approval is varied or revoked, record the variation or revocation.”
- (8) In section 14 of that Measure (right of appeal by tenant), in subsection (1)—
- (a) after “Where the Commission or a fabric advisory committee” insert “—
- (a)”,
- (b) after “subject to conditions,” insert “or
- (b) has decided to exercise, or not to exercise, the power to vary or revoke an approval or a condition of an approval for a proposal for the carrying out of works by a tenant for which the Chapter’s consent is required,” and
- (c) the words from “the tenant may,” to the end become full-out words beneath the new paragraphs (a) and (b).