
STATUTORY INSTRUMENTS

2006 No. 1941

The Care of Cathedrals Rules 2006

PART 1

Citation, commencement, revocation and interpretation

Citation, commencement and revocation

1.—(1) These rules may be cited as the Care of Cathedrals Rules 2006.

(2) These rules, other than rule 16, Schedule 1 and Forms 16, 17 and 18 in Schedule 2, shall come into force on the day appointed under section 20(3) of the Care of Cathedrals (Amendment) Measure 2005 for the coming into force of section 1 of that Measure.

(3) Rule 16, Schedule 1 and Forms 16, 17 and 18 in Schedule 2 shall come into force on the day specified in paragraph (2) above or, if later, on the coming into force of an order under section 2(2) of the Treasure Act 1996⁽¹⁾ relating to any category of objects found within the precinct of a cathedral.

(4) The Care of Cathedrals Rules 1990⁽²⁾ are hereby revoked.

Interpretation

2.—(1) In these rules—

“administrator” means the “administrator of the cathedral” being the person, by whatever name called, appointed under section 9(1)(e) of the Cathedrals Measure 1999⁽³⁾ or during the absence or illness of the administrator, a person approved by the Chapter;

“chair” and “vice-chair” mean the chairman or the vice-chairman (within the meaning of Schedules 1 and 2 to the Measure) of the Commission or the fabric advisory committee respectively;

“the Commission” means the Cathedrals Fabric Commission for England constituted by section 3;

“Commission of Review” means a Commission of Review constituted under section 10;

“corporate body” means the body established under section 9(1)(a) of the Cathedrals Measure 1999;

“Dean of the Arches and Auditor” includes a person appointed under section 10(3)(a) of the Measure;

“English Heritage” means the Historic Buildings and Monuments Commission for England known as English Heritage;

“the Measure” means the Care of Cathedrals Measure 1990⁽⁴⁾ as amended by the Care of Cathedrals (Amendment) Measure 2005;

(1) 1996 (c 24).
(2) S.I. 1990/2335.
(3) 1999 No.1.
(4) 1990 No.2.

“national amenity societies” means the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purpose of the Measure;

“precinct” in relation to a cathedral church means the precinct for the time being indicated on the plan required for that cathedral church by section 13 of the Measure;

“provincial registrar” means the registrar of the province in which the cathedral church concerned is situated;

“section” means a section of the Measure as defined in this rule.

(2) The Interpretation Measure 1925⁽⁵⁾ and the Interpretation Act 1978⁽⁶⁾ shall apply for the interpretation of these rules as they apply for the interpretation of Measures passed by the General Synod.

PART 2

Preliminary Determinations

Request to Commission for determination of the body from which approval is required

3.—(1) If a Chapter or a fabric advisory committee wishes to have a determination by the Commission whether under section 6(1) an application for approval is required to be made to the fabric advisory committee or to the Commission then the request shall—

- (a) be made in writing in Form 1 in Schedule 2, and
- (b) be accompanied by plans, drawings, specifications or other documents adequately to illustrate the proposal or as may be requested by the Commission.

(2) The question in the application in Form 1 shall be determined in writing by the Commission with reasons, either—

- (a) within 28 days from the date of receipt of the items supplied or requested under sub-rule (1)(b), or
- (b) within such period not exceeding 3 months as the Commission may reasonably require to determine the question, provided that prior written notice is given by the secretary of the Commission to the Chapter or fabric advisory committee, as the case may be, that the said period of 28 days is to be extended.

Request to Commission for a declaration that no approval is required under the Measure

4.—(1) Subject to the requirements of section 6(2C), the Commission may, if requested by the Chapter under sub-rule (3) of this rule, make a declaration in writing that no approval of a proposal is required under the Measure.

(2) A Chapter may only request the Commission to make such a declaration where the proposal does not relate to the cathedral church or a building within the precinct of the cathedral church for the time being used for ecclesiastical purposes.

(3) Where a Chapter proposes to carry out works, including works of repair or maintenance on, above or below land vested in the corporate body and those works would materially affect—

(5) 15 & 16 Geo 5 No.3.

(6) 1978 (c 30)

- (a) the immediate setting of the cathedral church, or
- (b) any archaeological remains within the precinct of the cathedral church,

then, if planning permission, listed building consent or scheduled monument consent is required for the carrying out of all the works to which the proposal relates, the Chapter may request the Commission to make a declaration that no approval is required under the Measure for the proposal.

(4) Any request by a Chapter under sub-rule (3) shall—

- (a) be made in writing in Form 2 in Schedule 2, and
- (b) be accompanied by plans, drawings, specifications or other documents adequately to describe the proposal or intended proposal.

(5) Before making any declaration as requested under sub-rule (3) of this rule the Commission shall—

- (a) consult the local planning authority, the fabric advisory committee and English Heritage as to the matters in sub-rule (3), and
- (b) be satisfied that any considerations relevant to preserving the immediate setting of the cathedral church or any archaeological remains within the precinct of the cathedral church will be or have been adequately taken into account by the person or body responsible for granting the planning permission or consent.

(6) For the purpose of consultation under sub-rule (5)(a) the secretary of the Commission shall request each of the bodies specified to reply to the consultation within 28 days, but if no reply is received from one or more of those bodies within that period the Commission may nevertheless proceed to decide whether or not to make a declaration that no approval is required under the Measure.

(7) Within 28 days from the expiry of the period for replying to consultation under sub-rule (6) the Commission shall, if satisfied as to the matters in section 6(2C) make the declaration requested, or if not so satisfied shall decline to make a declaration, and the secretary of the Commission shall notify the Chapter accordingly.

PART 3

Application to fabric advisory committee

Application for approval of fabric advisory committee

5.—(1) An application by a Chapter under section 7(1) for the approval of a proposal by a fabric advisory committee shall—

- (a) be made in writing in Form 3 in Schedule 2, and
- (b) be accompanied by such detailed plans, drawings, specifications and other documents as describe the proposal or may be requested by the fabric advisory committee.

(2) At the same time as an application is made to a fabric advisory committee under sub-rule (1) the administrator shall display for a period of 28 days inside and outside the cathedral where it is readily visible to the public a notice in Form 4 in Schedule 2 which—

- (a) gives particulars of the proposal;
- (b) identifies an address at which the plans, drawings, specifications and other documents describing the proposal can be inspected;
- (c) states that representations in writing in respect of the proposal may be sent to the secretary of the fabric advisory committee at a specified address to arrive no later than 28 days from the date of the notice.

(3) At the same time as an application is made under sub-rule (1) the administrator shall send or deliver a copy of the notice referred to in sub-rule (2)—

- (a) to the Commission;
- (b) if the proposal is of a kind described in section 2(1)(a)—
 - (i) to English Heritage;
 - (ii) to the national amenity societies (or such person as those societies shall jointly appoint for the purposes of the Measure), and
 - (iii) to the local planning authority.

(4) If at least three members of the fabric advisory committee present and voting at a meeting of the fabric advisory committee when an application under sub-rule (1) is under consideration determine that the proposal in question gives rise to considerations of such special architectural, archaeological, artistic or historic interest that the application should be determined by the Commission, the secretary of the fabric advisory committee shall in accordance with section 6(3) refer the application to the Commission and shall immediately notify the Chapter accordingly, and section 8 and rule 7 shall then apply to that application.

(5) Immediately after the expiry of 28 days following the display of the notice required by sub-rule (2) of this rule the administrator shall complete the certificate of publication in Form 4 in Schedule 2 and send or deliver it to the secretary of the fabric advisory committee.

(6) After receipt of the certificate of publication required by sub-rule (5) of this rule the fabric advisory committee shall consider any representations made to it and shall 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 its decision—

- (a) shall be given in writing, and
- (b) if approval is refused, or given subject to conditions, the fabric advisory committee shall give its reasons in writing in its decision.

(7) Within 10 days of the fabric advisory committee's decision, the secretary of the fabric advisory committee shall send or deliver a notice of the decision in Form 5 in Schedule 2—

- (a) to the Chapter;
- (b) to the Commission, and
- (c) to any body or person to whom notice of the application has been sent under sub-rule (3)(b).

(8) The administrator shall within 7 days of receipt of the notice sent or delivered to the Chapter under sub-rule (7)(a), display a copy of the notice inside and outside the cathedral where it is readily visible to the public for a period of not less than 28 days.

Request to Commission following non-determination by fabric advisory committee

6.—(1) A request under section 9(2) by the Chapter to the Commission to deal with an application where it has not been determined by the fabric advisory committee shall—

- (a) be made by notice in writing in Form 6 in Schedule 2;
- (b) be accompanied by the documents specified in rule 5(1);
- (c) be sent or delivered to the secretary of the Commission within 28 days after the expiry of the period of 3 months immediately following the making of the application to the fabric advisory committee.

(2) The administrator shall send or deliver a copy of the notice given under sub-rule (1)(a) to the secretary of the fabric advisory committee at the same time as sending or delivering the notice to the secretary of the Commission under sub-rule (1)(c).

(3) Within 7 days of receipt of a copy of the notice under sub-rule (2), the secretary of the fabric advisory committee shall send or deliver to the secretary of the Commission copies of any representations in writing made to the fabric advisory committee in accordance with rule 5(2) or 5(3)(b) relating to the proposal which is the subject of the notice.

(4) Within a period not exceeding 3 months after receipt of the notice requesting it to deal with an application, the Commission shall consider the application and any representations made to the fabric advisory committee in accordance with rule 5(2) or 5(3)(b) and shall give its decision in writing stating whether it gives its approval to the proposal, either unconditionally or subject to such conditions as it specifies, or refuses to give its approval to the proposal.

(5) Within 10 days of the Commission's decision the secretary of the Commission shall send or deliver a notice of the decision in Form 7 in Schedule 2.

(6) The administrator shall within 7 days of receipt of the notice display a copy of it in accordance with rule 5(8)—

- (a) to the Chapter,
- (b) to the fabric advisory committee,
- (c) to any body or person to whom notice of the application as sent under rule 5(3)(b).

PART 4

Application or Appeal to the Commission

Application for approval of Commission

7.—(1) An application by a Chapter under section 8(1) for the approval of a proposal by the Commission shall—

- (a) be made in writing in Form 8 in Schedule 2, and
- (b) be accompanied by such detailed plans, drawings, specifications and other documents as describe the proposal or may be requested by the Commission.

(2) At the same time as an application is made under sub-rule (1), the administrator shall display for a period of 28 days inside and outside the cathedral where it is readily visible to the public, a notice in Form 9 in Schedule 2 which—

- (a) gives particulars of the proposal;
- (b) identifies an address at which the plans, drawings, specifications and other documents describing the proposal can be inspected;
- (c) states that representations in writing in respect of the proposal may be sent to the secretary of the Commission at the address of the Commission to arrive no later than 28 days from the date of the notice.

(3) At the same time as an application is made under sub-rule (1) the administrator shall send a copy of the notice referred to in sub-rule (2) to the fabric advisory committee.

(4) At the same time as an application is made under sub-rule (1) the administrator shall send a copy of the notice in sub-rule (2) and a copy (free of charge) of each of the detailed plans, drawings, specifications and other documents which accompanied the said application—

- (a) to English Heritage;
- (b) to the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure), and

- (c) if the application relates to a proposal of a kind described in section 2(1)(a), to the local planning authority.
- (5) Within 14 days after receipt of the notice under sub-rule (3) of this rule, the secretary of the fabric advisory committee shall inform the Commission in writing whether the fabric advisory committee has considered the proposal and, if so, of its views.
- (6) If a meeting is arranged between the Commission and the Chapter to discuss the proposal, the administrator shall notify the secretary of the fabric advisory committee not less than 14 days before the date of the meeting and the fabric advisory committee's representatives shall be entitled to be present at the meeting.
- (7) Immediately after the expiry of 28 days following display of the notice required by sub-rule (2) the administrator shall complete the certificate of publication in Form 9 in Schedule 2 and send or deliver it to the secretary of the Commission.
- (8) After receipt of the certificate of publication required by sub-rule (7) of this rule and within 3 months after the expiry of the date for written representations under sub-rules (2)(c) and (4) and the holding of a public hearing, if any, the Commission shall consider all the representations and shall 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 its decision—
- (a) shall be given in writing, and
 - (b) if approval is refused or given subject to conditions, the Commission shall give its reasons in writing in its decision.
- (9) Within 10 days of the Commission's decision the secretary of the Commission shall send or deliver a notice of the decision in Form 10 in Schedule 2—
- (a) to the Chapter;
 - (b) to the fabric advisory committee;
 - (c) to English Heritage;
 - (d) to the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure),
 - (e) if the decision relates to a proposal of a kind described in section 2(1)(a), to the local planning authority, and
 - (f) if the decision relates to an application under rule 12(a) and the Commission has consulted the Church Commissioners, under rule 14(2), to the Church Commissioners.
- (10) The administrator shall within 7 days of receipt of the notice sent or delivered to the Chapter under sub-rule (9)(a) of this rule, display a copy of the notice inside and outside the cathedral where it is readily visible to the public for a period of not less than 28 days.

Appeal by Chapter to Commission

- 8.—(1)** An appeal under section 9(1) by the Chapter to the Commission against a decision of the fabric advisory committee refusing approval or giving approval subject to conditions shall—
- (a) be made in writing in Form 11 in Schedule 2;
 - (b) be accompanied by a copy of the fabric advisory committee's decision given in accordance with rule 5(6) and copies of the application to the fabric advisory committee and of any plans, drawings, specifications and other documents accompanying the application;
 - (c) be sent or delivered to the secretary of the Commission within 3 months from the date on which notice of the fabric advisory committee's decision was sent or delivered to the Chapter under rule 5(7).

(2) The administrator shall send a copy of the notice of appeal made under sub-rule (1)(a) of this rule to the secretary of the fabric advisory committee at the same time as sending the notice of appeal to the secretary of the Commission under sub-rule (1)(c) of this rule.

(3) Within 7 days of receipt of a copy of the notice of appeal under sub-rule (2), the secretary of the fabric advisory committee shall send or deliver to the secretary of the Commission copies of any representations in writing made to the fabric advisory committee in accordance with rule 5(2) or 5(3)(b) relating to the proposal which is the subject of the appeal.

(4) Within a period not exceeding 3 months after receipt of the notice of appeal under sub-rule (1) of this rule or within 28 days after the holding of a public hearing, if any, the Commission shall consider the case for the Chapter and all the representations relating to the proposal and shall give its decision in writing with reasons stating whether it reverses, confirms or varies the decision of the fabric advisory committee or any part thereof.

(5) Within 10 days of the Commission's decision on the appeal the secretary of the Commission shall send or deliver a notice of the decision in Form 12 in Schedule 2 to those specified in rule 7(9) and the administrator shall within 7 days of receipt of the notice display a copy of it in accordance with rule 7(10).

Appeal by Chapter/ tenant to Commission

9.—(1) Where a fabric advisory committee refuses approval for a proposal from a Chapter for the carrying out of works by a tenant for which the Chapter's consent is required, or gives approval subject to conditions, the secretary of the fabric advisory committee shall within 10 days of the fabric advisory committee's decision send or deliver a notice of the decision in Form 5 to the Chapter and to the tenant.

(2) Within 28 days of receipt of the notice under sub-rule (1) the Chapter may appeal in writing in Form 13 in Schedule 2 to the Commission against the decision of the fabric advisory committee and shall send or deliver to the secretary of the Commission—

- (a) a copy of the application in Form 3 for approval of the proposal for the carrying out of works by a tenant;
- (b) copies of any plans, drawings, specifications and other documents which accompanied the application; and
- (c) a copy of the decision of the fabric advisory committee upon the proposal.

(3) If the Chapter decides not to appeal under sub-rule (2), then the administrator shall immediately notify the tenant in writing of the Chapter's decision and the tenant may, within 28 days of the date of notification, appeal in writing in Form 13 to the Commission against the decision of the fabric advisory committee.

(4) Where a tenant alone appeals under sub-rule (3) the tenant shall—

- (a) send or deliver to the secretary of the Commission—
 - (i) a copy of the application in Form 3 for approval of the proposal for the carrying out of works by a tenant;
 - (ii) copies of any plans, drawings, specifications and other documents which accompanied the application;
 - (iii) a copy of the decision of the fabric advisory committee upon the proposal
- (b) write to the Chapter informing the Chapter of the tenant's appeal to the Commission.

(5) If the Chapter decides to appeal to the Commission under sub-rule (2), the tenant may also appeal and shall give written notice of appeal to the Commission in Form 13 in the name of the tenant but the Chapter shall send or deliver to the secretary of the Commission the documents referred to in sub-rule (2).

(6) For the purpose of an appeal by the Chapter or by the tenant or by both the Chapter and the tenant, rule 8(2) to (5) shall apply save that notice of the decision of the Commission shall be in Form 14 in Schedule 2.

(7) The Chapter shall be entitled to appear and be heard by way of written representation or at any public hearing on an appeal to the Commission whether or not the Chapter has appealed under sub-rule (2).

PART 5

Proposals affecting clergy housing

Proposals affecting clergy housing

10. Where any Chapter makes an application to a fabric advisory committee or the Commission for approval of a proposal which falls within section 2(1)(a)(ii) or 2(1)(a)(iii) and the proposal would affect any house the whole or part of which is for the time being occupied or to be occupied by a clerk in Holy Orders holding office in the cathedral church—

- (a) the administrator shall send to the Church Commissioners a copy of the notice in respect of the proposal which is required to be displayed under rule 5(2) or rule 7(2), as the case may be;
- (b) any observations made by the Church Commissioners to the fabric advisory committee or the Commission with respect to the proposal shall be treated for the purposes of the Measure as representations made under rule 5 or rule 7, as the case may be; and
- (c) the secretary of the fabric advisory committee, the secretary of the Commission or the provincial registrar shall send to the Church Commissioners a copy of any notice of a decision or determination by the fabric advisory committee, the Commission or a Commission of Review as the case may be, which is required under rule 5(7), 6(5), 7(9), 9(6), 19(6) and 21(7).

PART 6

Notice of proposed application for Listed Building or Scheduled Monument Consent

Application for listed building consent or scheduled monument consent

11.—(1) Any notice required by section 15 to be given by the administrator to the Commission in relation to a proposed application for listed building consent or scheduled monument consent shall be in Form 15 in Schedule 2 and shall be accompanied by plans, drawings, specifications and other documents adequately to describe the proposed application.

(2) The period for the sending of representations in writing to the administrator to be specified in any notice under sub-rule (1) shall be 28 days beginning with the date the notice is sent or delivered to the Commission.

PART 7

Objects of interest and Treasure

Body from which approval is required: sale, loan or disposal of object of interest

12. An application by a Chapter for approval of a proposal involving the sale, loan or other disposal of an object within section 2(1)(b) shall—

- (a) if the object has been designated by the fabric advisory committee as being of outstanding architectural, archaeological, artistic or historic interest, be made to the Commission; and
- (b) if the object is not within sub-rule (a) of this rule but is of architectural, archaeological, artistic or historic interest, be made to the fabric advisory committee.

Body from which approval is required: work to an object of interest

13. An application by a Chapter for approval of a proposal for the carrying out of any work to an object within section 2(1)(b) which would materially affect the architectural, archaeological, artistic or historic interest of the object, shall—

- (a) if the object has been designated by the fabric advisory committee as being of outstanding architectural, archaeological, artistic or historic interest, be made to the Commission; and
- (b) if the object is not within sub-rule (a) of this rule, be made to the fabric advisory committee.

Application to Commission: sale, loan, disposal of, or work to object of interest

14.—(1) Rule 7 shall apply to any application to the Commission under rules 12(a) or 13(a) which does not relate to an object of treasure within section 6A(1).

(2) Where on an application under rule 12(a) the Commission—

- (a) consults the Church Commissioners under section 8(2A) on any financial considerations (other than any relating to the valuation of the object) which may be relevant to the proposal or
- (b) under section 8(2B) requests the Chapter to consult the Council of the cathedral, if it has not already done so, and to inform the Commission of the Council's views on the proposal,

the secretary of the Commission shall within 7 days of receiving it—

- (i) copy the advice received from the Church Commissioners, and
- (ii) copy the written views of the Council

to those specified in rule 7(4)(a) and (b) and shall give them the opportunity to send comments on the advice in paragraph (i) or the Council's views in paragraph (ii) to the Commission within 28 days of the date on which the copy in question was sent to each of them.

Application to fabric advisory committee: sale, loan, disposal of, or work to object of interest

15. Rule 5 shall apply to any application to a fabric advisory committee under rules 12(b) or 13(b).

Application to Commission: sale, loan or disposal of treasure.

16. Schedule 1 to these rules shall have effect in relation to objects which are found within the precinct of a cathedral and which are or may be objects which, but for an order under section 2(2) of the Treasure Act 1996, would be treasure within the meaning of section 1, as supplemented by section 3, of that Act.

PART 8

Request for review by Commission of Review

Commission of Review: Application to Commission following non-determination by fabric advisory committee

17.—(1) Where under section 9(2) a Chapter has requested the Commission to deal with an application by the Chapter which has not been determined by the fabric advisory committee and the Commission has refused to give its approval, or has given its approval subject to conditions, the Chapter may request that the decision of the Commission be reviewed by a Commission of Review.

- (2) Any request under sub-rule (1) shall be—
 - (a) made by notice in writing in Form 19 in Schedule 2 and be sent or delivered to the provincial registrar within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter under rule 6(5);
 - (b) accompanied by copies of the documents referred to in rule 5(1) and (2) and a copy of the written decision of the Commission.
- (3) Rule 19(3) shall apply to this rule.
- (4) Within 7 days of receipt of a copy of the notice of request under sub-rule (2), the secretary of the Commission shall send or deliver to the provincial registrar copies of any representations in writing made to the fabric advisory committee under rule 5(2) and any comments made under rule 5(3)(b) which were sent to the Commission in accordance with rule 6(3).
- (5) Rule 19(5) and (6) shall apply to this rule.

Commission of Review: Non-determination by Commission

- 18.—(1) Where the Commission has not determined—
- (a) a Chapter's application for approval within the 3 months specified in rule 7(8), or
 - (b) a Chapter's request under section 9(2) for the Commission to deal with an application (where it has not been determined by the fabric advisory committee) within the period specified in rule 6(4); or
 - (c) a Chapter's appeal to the Commission under section 9(1) within one of the periods specified in rule 8(4)

then under section 10(2) the Chapter may request that the application under paragraphs (a) or (b), or the appeal under paragraph (c), be dealt with by a Commission of Review.

(2) Any request under sub-rule (1) shall be made by notice in writing in Form 20 in Schedule 2 and be sent or delivered to the provincial registrar within 28 days after the expiry of the period referred to in sub-rules (1)(a), (b) or (c) as the case may be.

- (3) Any request for a review under this rule shall be accompanied—
 - (a) in the case of a request under sub-rule (1)(a), by copies of the documents referred to in rule 7(1), and rule 19(3) and (4) shall apply to this rule;
 - (b) in the case of a request under sub-rule (1)(b), by copies of the documents referred to in rule 5(1) and (2), and rule 19(3) shall apply to this rule;
 - (c) in the case of a request under sub-rule (1)(c), by copies of the documents referred to in rule 8(1)(a) and (b), and rule 19(3) shall apply to this rule.

(4) A Commission of Review in dealing with a request under sub-rule (1)(a) or (b) shall consider the case for the Chapter and all representations relating to the proposal and shall 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 if approval is refused or given subject to conditions the Commission of Review shall give its reasons in writing in its decision.

(5) A Commission of Review in dealing with a request under sub-rule (1)(c) shall review the decision of the fabric advisory committee and may reverse, confirm or vary that decision.

(6) Rule 19(6) shall apply to this rule.

Commission of Review: Application for approval made by Chapter to Commission

19.—(1) Where a Chapter has applied for approval of a proposal by the Commission under rule 7 or under paragraph 6 of Schedule 1 and the Commission has refused to give its approval, or has given its approval subject to conditions, the Chapter may request that the decision of the Commission be reviewed by a Commission of Review.

(2) Any request under sub-rule (1) shall be—

- (a) made by notice in writing in Form 21 in Schedule 2 and be sent or delivered to the provincial registrar within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter under rule 7(9);
- (b) accompanied by copies of the documents referred to in rule 7(1) and (2) and a copy of the notice of decision of the Commission.

(3) At the same time as sending or delivering the Chapter's notice of request under sub-rule (2) (a), the administrator shall send or deliver a copy of the notice to—

- (a) the Commission;
- (b) the fabric advisory committee;
- (c) English Heritage;
- (d) the national amenity societies (or such person as those societies may jointly appoint for the purposes of the Measure); and
- (e) if the proposal is of a kind described in section 2(1)(a), to the local planning authority;

and the administrator shall inform each of the bodies in paragraphs (a) to (e) as applicable in writing that any representation in relation to the Chapter's notice of request for a review should be sent in writing to the provincial registrar within 28 days of the date of sending or delivering of the notice by the administrator to that body.

(4) Within 7 days of receipt of a notice under sub-rule (3)(a), the secretary of the Commission shall send or deliver to the provincial registrar—

- (a) copies of any representations in writing made to the Commission under rule 7(2) or under paragraph 6(5) of Schedule 1;
- (b) copies of any comments made to the Commission by any of the bodies in rule 7(4)(a) to (c) or under paragraph 6(7) or (8) of Schedule 1;
- (c) a copy of the views, if any, of the fabric advisory committee given to the Commission under rule 7(5) or paragraph 6(6) of Schedule 1;
- (d) if the proposal is for the sale, loan or other disposal of an object falling within section 6(1) (a)(iv), copies of the advice, if any, of the Church Commissioners and the views of the Council, if any, under rule 14(2);
- (e) a copy of a report in writing of any public hearing held by the Commission under rule 23(4).

(5) A Commission of Review shall review the decision of the Commission and may reverse, confirm or vary that decision in whole or in part.

(6) Within 10 days of the decision of the Commission of Review the provincial registrar shall send or deliver a notice of the decision in Form 24 in Schedule 2 to the Chapter and those specified in sub-rule (3)(a) to (e) of this rule, as applicable, and the administrator shall within 7 days of receipt of the notice display a copy of it in accordance with rule 7(10).

Commission of Review: Appeal by Chapter to Commission

20.—(1) Where a Chapter has appealed to the Commission under section 9(1) and the Commission has refused to give its approval or has refused to reverse or vary conditions subject to which approval was given by the fabric advisory committee, the Chapter may request that the decision of the Commission be reviewed by a Commission of Review.

(2) Any request under sub-rule (1) shall be—

- (a) made by notice in writing in Form 22 in Schedule 2 and be sent or delivered to the provincial registrar within 3 months of the date when notice of the Commission's decision was sent or delivered to the Chapter under rule 8(5);
- (b) accompanied by copies of the documents referred to in rule 8(1)(a) and (b) and a copy of the written decision of the Commission.

(3) Rule 19(3) shall apply to this rule.

(4) A Commission of Review shall review the decision of the Commission and may reverse, confirm or vary that decision in whole or in part.

(5) Rule 19(6) shall apply to this rule.

Request to Commission of Review by a tenant

21.—(1) Where the Commission, on an application under rule 7 or an appeal under rule 9, refuses approval for a proposal from a Chapter for the carrying out of works by a tenant for which the Chapter's consent is required, or gives approval subject to conditions, the secretary of the Commission shall within 10 days of the Commission's decision send or deliver a notice of the decision in Form 10 to the Chapter and to the tenant.

(2) Within 28 days of receipt of the notice under sub-rule (1) the Chapter may by notice in writing in Form 23 in Schedule 2 given to the provincial registrar request that the decision of the Commission be reviewed by a Commission of Review and shall send or deliver to the provincial registrar—

- (a) a copy of the application in Form 3 for approval of the proposal for the carrying out of works by a tenant;
- (b) copies of any plans, drawings, specifications and other documents which accompanied the application; and
- (c) a copy of the decision of the Commission upon the proposal.

(3) If the Chapter decides not to request a review under sub-rule (2), then the administrator shall immediately notify the tenant in writing of the Chapter's decision and the tenant may, within 28 days of the date of notification, make a request in Form 23 to the Commission of Review to review the decision of the Commission.

(4) Where a tenant alone requests a review under sub-rule (3) the tenant shall—

- (a) send or deliver to the provincial registrar—
 - (i) a copy of the application for the proposal for the carrying out of works by the tenant;
 - (ii) copies of any plans, drawings, specifications and other documents which accompanied the application;
 - (iii) a copy of the decision of the Commission on the proposal,

- (b) write to the Chapter informing the Chapter of the tenant's request for a review of the Commission's decision by the Commission of Review.
- (5) If the Chapter decides to request a review under sub-rule (2) the tenant may also do so and shall request a review in Form 23 in the name of the tenant, but the Chapter shall send or deliver to the provincial registrar the documents referred to in sub-rule (2).
- (6) The Chapter shall be entitled to be heard at a public hearing held by the Commission of Review whether or not the Chapter has requested a review under sub-rule (2).
- (7) The Commission of Review may reverse, confirm or vary the decision of the Commission in whole or in part and its decision shall be given in writing in Form 24 in Schedule 2.

PART 9

Procedure and Evidence

Procedure of fabric advisory committee

22.—(1) Subject to complying with the requirements of paragraphs 10 to 14 inclusive of Schedule 2 to the Measure, the fabric advisory committee may regulate its own procedure.

(2) Subject to sub-rules (3) to (5) of this rule, meetings of the fabric advisory committee shall be held in private.

(3) The dean of the cathedral, the administrator and such other members of the Chapter as, after consulting the fabric advisory committee, the Chapter considers appropriate, shall be entitled to attend and to speak at meetings of the fabric advisory committee or such meetings of the fabric advisory committee as may be specified by the Chapter, but no such person shall be entitled to vote.

(4) It shall be the duty of the cathedral architect or surveyor of the fabric and the person (if any) holding office as cathedral archaeologist to attend meetings of the fabric advisory committee unless the chair permits or directs otherwise.

(5) The fabric advisory committee, if it sees fit, may invite any person to attend a meeting or meetings of the fabric advisory committee for the duration of consideration of a particular item and any such person shall be entitled to attend and speak but not to vote at any such meeting.

Procedure of Commission

23.—(1) The chair of the Commission, or a member of the Commission duly authorised to act on behalf of the chair, may give directions as to procedure relating to matters to be considered by the Commission, whether or not any person has made an application for directions.

(2) Where the Commission is considering a request under rule 6 or an appeal under rules 8 or 9 no member of the Commission who is also a member of the fabric advisory committee against whose decision or non-determination the appeal is brought shall participate in the proceedings.

(3) Any matter to be determined by the Commission under these rules shall be decided by a majority of the members present and voting and in the event of an equal division of votes, the chair shall have a second or casting vote.

(4) The Commission, if it sees fit, may hold a public hearing in connection with any matter to be considered by it for the purpose of receiving oral representations from members of the public provided that—

- (a) notice of the date and place of the public hearing is displayed inside and outside the cathedral concerned where it is readily visible to the public for a period of not less than 28 days;

- (b) not less than 28 days beforehand, the secretary of the Commission notifies the Chapter of the date and place of the public hearing.
- (5) For the purpose of a public hearing under sub-rule (4) the Commission may appoint a panel of not less than three members of the Commission and it shall be the duty of the panel—
 - (a) to hold a public hearing on the date and at the place specified in sub-rule (4) or as varied under sub-rule (6), and
 - (b) within 28 days after the conclusion of the public hearing to provide the Commission with a written report about it.
- (6) The chair of the Commission, or a member of the Commission duly authorised to act on behalf of the chair or as chair of a panel appointed under sub-rule (5) may vary the date or place of any public hearing or adjourn the public hearing to a later date provided that not less than 10 days notice of the same shall be given in accordance with the requirements in sub-rule (4)(a) and (b).

Procedure of Commission of Review and orders as to costs

24.—(1) A Commission of Review shall sit in public and may receive such representations, if any, as it thinks fit.

(2) Subject to the provisions of this rule and to any directions as to procedure given by the General Synod, a Commission of Review shall have power to regulate its own procedure.

(3) The Dean of the Arches and Auditor or the person appointed by the Dean under section 10(3) (a) may, whether or not an application has been made by any person, give directions as to any matter of procedure relating to proceedings before the Commission of Review, including (without prejudice to the generality of the foregoing) directions fixing or varying the date or place of any sitting of the Commission of Review.

(4) A Commission of Review may make such orders—

- (a) for the payment of costs by any person, including administrative expenses in connection with the hearing of an appeal or the conduct of a review under these rules, expenses incurred by members of the Commission of Review in relation thereto, and any fees for the same as may be fixed by the Fees Advisory Commission under the Ecclesiastical Fees Measure 1986(7);
- (b) for the giving of security for costs by any person concerned,

as seem to the Commission of Review to be just.

(5) Sections 60(3) and 61 of the Ecclesiastical Jurisdiction Measure 1963(8) shall apply in relation to any order for the payment of costs under sub-rule 4(a) of this rule as they apply in relation to an order or direction for payment of, or award of, costs under section 60 of the said Measure.

(6) In paragraph (4) of this rule “costs” includes fees, charges, disbursements, expenses and remuneration.

Declaration of personal interest

25.—(1) At any meeting of the Commission or a fabric advisory committee, a member who has a personal interest in any item to be discussed at that meeting shall—

- (a) declare it no later than immediately before the item is to be discussed, and
- (b) withdraw from the meeting for the whole of the discussion and vote (if any)

(7) 1986 No.2.

(8) 1963 No.1.

save that where the chair of the meeting is satisfied that it would assist the members present to be informed as to some matters of fact, the chair may permit the member with a personal interest to remain at the meeting at the commencement of the discussion on the item in order to provide factual information and thereafter that member shall withdraw from the meeting.

(2) If at any meeting of the Commission or a fabric advisory committee the chair or vice-chair of the Commission or the chair of the fabric advisory committee has a personal interest in any item to be discussed at that meeting then the chair or vice-chair, as the case may be, shall—

- (a) declare it no later than immediately before the item is to be discussed,
- (b) withdraw from the meeting for the whole of the discussion and vote (if any), and
- (c) whichever of the chair or vice-chair of the Commission has no personal interest in the item shall chair the meeting for that item, and in the case of the fabric advisory committee a member elected by the fabric advisory committee shall act as chair of the meeting for that item, and
- (d) if the person chairing the meeting under paragraph (c) is satisfied that it would assist members present to be informed as to some matters of fact, the chair of the meeting may permit the chair or vice-chair of the Commission or the chair of the fabric advisory committee, as the case may be, with a personal interest to remain at the meeting at the commencement of the discussion on the item in order to provide factual information and thereafter the chair or vice-chair or chair of the fabric advisory committee, as the case may be, shall withdraw from the meeting.

Evidence

26. For the purposes of any application, appeal, request or other matter under these rules a fabric advisory committee, the Commission or a Commission of Review—

- (a) may receive oral, documentary or other evidence of any fact or matter which appears to it to be relevant to the matter before it; and
- (b) may receive oral evidence which is not given upon oath or affirmation.

PART 10

Registers of applications to fabric advisory committee and Commission

Register of applications

27.—(1) The Commission and every fabric advisory committee shall each keep a register of applications made to it under the Measure.

(2) The register kept by a fabric advisory committee shall be in Form 25 in Schedule 2 and shall be in the custody of the secretary of the fabric advisory committee but a copy of the register shall be held at the office of the Chapter concerned where—

- (a) it shall be available for inspection by any person free of charge by prior arrangement;
- (b) on prior application by telephone or otherwise a person shall be supplied with one or more extracts of that part of the register relating to an application for approval specified by that person;
- (c) on prior application by telephone or otherwise a person may be supplied with parts of the register additional to the extracts in paragraph (b) or a copy or copies of the whole register.

(3) A person applying for extracts of the register under sub-rule (2)(b) or copies of further parts or of the whole register under sub-rule (2)(c) shall pay such fee per extract or copy as shall be fixed

from time to time by the fabric advisory committee under section 10B(2) and the list of fees payable shall be made publicly available in the office of the Chapter.

(4) The register kept by the Commission shall be in Form 26 in Schedule 2 and shall be in the custody of the secretary of the Commission and shall be available at the office of the Commission—

- (a) for inspection by any person free of charge by prior arrangement;
- (b) on prior application by telephone or otherwise a person shall be supplied with one or more extracts of that part of the register relating to a particular application for approval;
- (c) on prior application by telephone or otherwise a person may be supplied with parts of the register additional to the extracts in paragraph (b) or a copy or copies of the whole register.

(5) Sub-rule (3) shall apply to the Commission in respect of fees for applications under sub-rule (4)(b) and (c) with the substitution of the Commission for any reference to the fabric advisory committee.

PART 11

Inventories and cathedral records

Inventories

28.—(1) It is the duty of a Chapter under section 13(1) to compile and maintain an inventory the purpose of which is to—

- (a) identify and record any object considered by the fabric advisory committee to be of architectural, archaeological, artistic or historic interest which is owned by or in the possession or custody of the corporate body or to the possession or custody of which the corporate body is entitled notwithstanding that the object is for the time being in the possession or custody of another person or body;
- (b) note the designation by the fabric advisory committee, after consultation with the Commission, of those objects in the inventory considered to be of outstanding architectural, archaeological, artistic or historic interest;
- (c) record in the inventory any new acquisition by the corporate body, whether by purchase or gift, of an object considered by the fabric advisory committee to be of architectural, artistic or historic interest, and to note any designation of such object under paragraph (b);
- (d) aid the proper care, conservation and security of the objects included in the inventory;
- (e) record the loan, sale, disposal or loss of any object entered in the inventory.

(2) For the purpose of consideration by the fabric advisory committee of objects suitable for inclusion in the inventory an object shall be treated as including, in particular, movable and removable items and contents such as ornaments, furnishings and fittings, books and manuscripts, displaced architectural and archaeological materials, musical instruments and other artefacts of interest.

(3) The period within which a Chapter shall complete the compilation of an inventory is to be determined by the Commission after consultation with the Chapter and the fabric advisory committee and shall be such period as the Commission considers reasonable having regard to the particular circumstances of each case and different periods may be specified by the Commission for different parts of the inventory.

(4) In the interest of security, where an inventory is compiled and maintained in any electronic form all relevant files or other records of information in electronic form which are prepared for the purpose of, or in connection with, the compilation or maintenance of that inventory, including any

updating, amendment or new recording under sub-rule (6) of this rule, shall be securely stored in accordance with such advice as may be published from time to time by the Commission.

(5) The inventory is an important record in relation to the cathedral, and (whether or not it is compiled and maintained in any electronic form)—

- (a) two copies in writing of the inventory shall be made and maintained in securely bound volumes (which may include a separate volume for recording any new acquisition within sub-rule (1)(c)); and
- (b) both of these copies shall be kept in a secure place, one within and the other outside the cathedral precinct, approved for that purpose by the Chapter.

(6) When information in the inventory requires to be updated or amended under sub-rule (1) or otherwise the updating or amendment shall as soon as reasonably practicable be done in identical terms—

- (a) in both copies of the relevant volume made and maintained in writing under sub-rule (5) (a); and
- (b) where the inventory is also compiled and maintained in electronic form, in that inventory.

(7) A photographic record of objects recorded in the inventory shall be bound into or retained as part of a loose leaf collection in conjunction with the inventory except where in a particular case the fabric advisory committee informs the Chapter in writing that it considers it unreasonable to require the provision of such a record of a particular object or group of objects.

(8) All entries in an inventory shall be made in accordance with such general or special directions as may be issued by the Commission from time to time for the purpose of section 13(1) and in compiling and maintaining the inventory the Chapter shall have regard to any advice as to details of the form of the inventory which may be issued by the Commission from time to time.

(9) In the interests of security access to the inventory or any part of it shall be limited to those persons who have been expressly authorised in writing by the Chapter and who at the time of inspection of the inventory provide such authorisation and such documentary evidence of personal identification as the Chapter may require.

(10) The Chapter shall make an annual report to the fabric advisory committee on the contents of the inventory or on progress made in compiling the inventory, which shall, in particular, certify the accuracy of the inventory, or any part of it which has been compiled, and describe any alterations which have been made to the inventory during the 12 months preceding the report.

Making and storing cathedral records

29. In carrying out the duty under section 14B of making and maintaining a permanent record of works carried out in the previous year of which a permanent record should, in the opinion of the cathedral architect or surveyor of the fabric, or the cathedral archaeologist, be maintained, the Chapter shall—

- (a) have regard to any directions made and any advice given by the Commission as to the classification and storage of records whether in writing or in any electronic form; and
- (b) consult the fabric advisory committee about the method and place of storage for any of those records.

PART 12

Miscellaneous and General

Sending or delivering documents

30. Any document required or authorised by the Measure or these rules to be sent or delivered to any person or body shall be sent or delivered to the usual or last known address of that person or body by any of the following means—

- (a) by first class post,
- (b) by leaving it at that address,
- (c) by document exchange by leaving it addressed to that person or body's numbered box at the DX of that person or body,
- (d) by electronic means.

Copies of documents

31.—(1) Where under these rules a Chapter has made an application to a fabric advisory committee or to the Commission for approval of a proposal, any person or body may request the Chapter concerned to supply a copy or copies of the application and any accompanying plans, drawings, specifications or other documents supplied by the Chapter under rules 5(1) or 7(1) respectively.

(2) Save where these rules provide for a copy of any of the items specified in sub-rule (1) to be supplied to any person or body free of charge, the Chapter shall be entitled to request prior payment of a reasonable fee fixed by it (including the cost of copying, postage and packing where appropriate) for a copy or copies of any of the said items, and upon receipt of such fee the Chapter shall send or deliver the copy or copies requested to the person or body concerned by one of the means specified in rule 30.

Date for compliance

32. Where any direction under these rules imposes a time limit for doing an act, the last date for compliance shall wherever practicable be expressed as a calendar date and include the time of day by which the act must be done.

Irregularities

33. Where there has been an irregularity or error of procedure such irregularity or error does not invalidate any step taken in any application, appeal or review unless the Commission or Commission of Review so holds, and the chair of the Commission or the Dean of the Arches and Auditor may give directions to cure or waive the irregularity or error of procedure.

Approved by the General Synod on 7th July 2006

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