
STATUTORY INSTRUMENTS

1990 No. 2335

Care of Cathedrals Rules 1990

PART II

APPLICATIONS, APPEALS AND REVIEWS

Determinations under sections 5 and 6

3.—(1) The agreement of the Commission to any proposal by a committee to make a determination or a variation or revocation of a determination under section 5(1) shall be in writing.

(2) Any application by an administrative body to a committee under section 5(2) to have it determined whether a proposal is one to which section 2 does not apply by virtue of section 5(1) shall be in writing and the administrative body shall supply to the committee any such further documents or other information as the committee may request for the purpose of determining the application.

(3) The secretary of a committee shall send notice in writing of any determination by the committee under section 5(1) or (2) or of any revocation or variation of a determination under section 5(1) to the administrative body of the cathedral church concerned and to the Commission.

(4) Any application by an administrative body or by a committee under section 6(2) to have it determined whether under section 6(1) an application for approval of a proposal is required to be made to the committee or to the Commission shall be in Form 1 of the Appendix and shall be accompanied by any such plans, drawings, specifications and other documents as may be necessary to provide a full description of the proposal.

(5) The secretary of the Commission shall send notice in writing of any determination by the Commission under section 6(2) to the administrative body of the cathedral church concerned and to the committee for that cathedral church.

(6) Where at least three members of a committee determine under section 6(3) that an application by an administrative body for approval of a proposal should be referred to the Commission, notice of the referral of the application to the Commission shall be given to the administrative body under section 6(3) in Form 2 of the Appendix.

Applications to committees for approval of proposals

4.—(1) Any application by an administrative body under section 6(1) for approval of a proposal by a committee shall be in Form 3 of the Appendix and shall be accompanied by any such plans, drawings, specifications and other documents as may be necessary to provide a full description of the proposal.

(2) The notices relating to a proposal required by section 7(1) shall be in Form 4 of the Appendix.

(3) The notice required to be displayed under section 7(1) shall be displayed in accordance with rule 13 for a period of not less than fourteen days beginning with the date of first display.

(4) The period for the sending of representations to be specified in the notices required by section 7(1) shall be a period of not less than twenty-one days beginning—

- (a) in the case of a notice displayed under section 7(1), with the date of first display of the notice; and
- (b) in the case of any other notice, with the date of service of the notice.

(5) The notices of the committee's decision required by section 7(3) shall be in Form 5 of the Appendix and shall be sent to the bodies specified in section 7(3)(a) and (b) within the period of ten days beginning with the date of the decision, and the copy required to be displayed under section 7(3) shall be displayed in accordance with rule 13.

Applications to Commission for approval of proposals

5.—(1) Any application by an administrative body under section 6(1) for approval of a proposal by the Commission shall be in Form 6 of the Appendix and shall be accompanied by any such plans, drawings, specifications and other documents as may be necessary to provide a full description of the proposal.

(2) The notices relating to a proposal required by section 8(1) shall be in Form 7 of the Appendix.

(3) The notice required to be displayed by section 8(1) shall be displayed in accordance with rule 13 for a period of not less than fourteen days beginning with the date of first display.

(4) The period for the sending of representations to be specified in the notices required by section 8(1) shall be a period of not less than twenty-eight days beginning—

- (a) in the case of a notice displayed under section 8(1), with the date of first display of the notice; and
- (b) in the case of any other notice, with the date of service of the notice.

(5) The notices of the Commission's decision required by section 8(3) shall be in Form 8 of the Appendix, shall be sent to the bodies specified in section 8(3)(a) to (e) within the period of ten days beginning with the date of the decision and shall be accompanied by a report in writing of any public hearing held by the Commission for the purpose of receiving oral representations from members of the public with respect to the proposal concerned, and the copy of the notice required to be displayed under section 8(3) shall be displayed in accordance with rule 13.

Appeals to Commission

6.—(1) Any appeal by an administrative body to the Commission under section 9(1) against a decision of a committee—

- (a) shall be sent to the Commission in Form 9 of the Appendix;
- (b) shall be accompanied by a copy of the application to the committee, of any plans, drawings, specifications and other documents accompanying the application and of the notice of the committee's decision sent to the administrative body under section 7(3); and
- (c) shall be made within the period of three months beginning with the date of service of the notice of the committee's decision on the administrative body under section 7(3);

and a copy of the appeal shall be sent to the committee.

(2) Any request by an administrative body to the Commission under section 9(2) to deal with application to a committee for approval of a proposal—

- (a) shall be made by notice given to the Commission in Form 10 of the Appendix, a copy of which shall be sent to the committee;
- (b) shall be accompanied by a copy of the application under section 7(1) and of any plans, drawings, specifications and other documents accompanying the application; and
- (c) shall be made within the period of three months beginning with the date of expiry of the period specified in section 9(2).

(3) Within the period of ten days beginning with the date of service on a committee of any copy of an appeal or notice under sub-paragraph (1)(a) or (2)(a) of this rule, the secretary of the committee shall send to the secretary of the Commission copies of any representations in writing received by him or the committee with respect to the proposal concerned.

(4) The secretary of the Commission shall send notice of the Commission's decision to the administrative body in Form 11 of the Appendix in the case of a decision under section 9(3) and in Form 12 of the Appendix in the case of a decision under section 9(4), accompanied in either case by a report in writing of any public hearing held by the Commission for the purpose of receiving oral representations from members of the public with respect to the proposal concerned.

(5) The chapter clerk shall display in accordance with rule 13 a copy of the notice sent to the administrative body under paragraph (4) of this rule and, if the Commission's decision relates to a proposal of a kind described in section 2(1)(a), he shall also send a copy of the notice to the local planning authority.

Directions as to procedure before Commission

7. The Chairman of the Commission or any other member of the Commission nominated by the Chairman for the purposes of this rule may on the application of any person or of his own motion give such directions as he thinks fit as to any matter of procedure relating to proceedings before the Commission, including (without prejudice to the generality of the foregoing) directions fixing or varying the date of any public hearing by the Commission.

Requests for review of determination by Commission of Review

8.—(1) Any request by an administrative body under section 10(1) that a decision of the Commission be reviewed by a Commission of Review—

- (a) shall be made by notice given to the provincial registrar in Form 13 of the Appendix in the case of a request under section 10(1)(a) and in Form 14 of the Appendix in the case of a request under section 10(1)(b), a copy of which shall in either case be sent to the Commission;
- (b) shall be accompanied by a copy of the application to a committee or to the Commission for approval of the proposal concerned, of any plans, drawings, specifications and other documents accompanying the application, of any notice of a decision by the committee on the application sent to the administrative body under section 7(3), of any appeal or notice of request under section 9(1) or 9(2) in relation to the application, of the notice of the Commission's decision sent to the administrative body under section 8(3) or rule 6(4) and of any report accompanying that notice; and
- (c) shall be made within the period of three months beginning with the date of service of the notice of the Commission's decision on the administrative body under section 8(3) or rule 6(4).

(2) Any request by an administrative body under section 10(2) that an application to or being dealt with by the Commission or an appeal to the Commission be dealt with by a Commission of Review—

- (a) shall be made by notice given to the provincial registrar in Form 15 of the Appendix, a copy of which shall be sent to the Commission;
- (b) shall be accompanied by copies of the documents specified in sub-paragraph (1)(b) of this rule, other than notice of the Commission's decision and any report accompanying it; and
- (c) shall be made within the period of three months beginning with the date of expiry of the period of three months specified in section 10(2).

(3) Within the period of ten days beginning with the date of service on the Commission of any copy of a notice under sub-paragraph (1)(a) or (2)(a) of this rule, the secretary of the Commission shall send to the provincial registrar copies of any representations in writing received by him or the Commission (including any representations of which copies have been sent to him under rule 6(3)) with respect to the proposal concerned and, in the case of a notice under sub-paragraph (2)(a) of this rule, a report in writing of any public hearing held by the Commission for the purpose of receiving oral representations from members of the public with respect to that proposal.

Procedure of Commission of Review and orders as to costs

9.—(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 him under section 10(3)(a) may on the application of any person or of his own motion give such directions as he thinks fit 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 of any sitting of the Commission of Review.

(4) A Commission of Review shall have power to make any such orders for the payment of costs (including costs incurred by the Commission of Review) or the giving of security for costs by the administrative body of the cathedral church concerned as seem to the Commission of Review to be just, and sections 60(3) and 61 of the Ecclesiastical Jurisdiction Measure 1963(1) shall apply in relation to any order for payment of costs under this paragraph as they apply in relation to an order or direction for payment of, or award of, costs under section 60 of the said Measure.

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

Notice of decision of Commission of Review

10.—(1) The provincial registrar shall send notice of any decision of a Commission of Review—

- (a) to the administrative body of the cathedral church concerned;
- (b) to the committee for that cathedral church;
- (c) to the Commission;
- (d) to the Historic Buildings and Monuments Commission;
- (e) to the national amenity societies (or such person as those societies may jointly appoint for the purposes of section 8); and
- (f) to the Royal Commission on the Historical Monuments of England.

(2) The chapter clerk shall display in accordance with rule 13 a copy of the notice sent to the administrative body under paragraph (1) of this rule and, if the decision of the Commission of Review relates to a proposal of a kind described in section 2(1)(a), he shall also send a copy of the notice to the local planning authority.

Proposed applications for listed building consent or scheduled monument consent

11.—(1) Any notice required by section 15 in relation to a proposed application for listed building consent or scheduled monument consent shall be in Form 16 of the Appendix and shall be

accompanied by any such plans, drawings, specifications and other documents as may be necessary to provide full details of the proposed application.

(2) The period for the sending of representations to be specified in any notice required under section 15 shall be a period of not less than twenty-eight days beginning with the date of service of the notice on the Commission.

Departures from forms in Appendix

12. Where any notice, application, appeal or request which is not required by the Measure to be in a prescribed form is required by any of the foregoing provisions of these rules to be in a form set out in the Appendix, it may instead be in a form which departs from but does not differ substantially from that form.

Manner of display of notices

13. A notice or copy of a notice required to be displayed under sections 7(1) or (3) or 8(1) or (3) or under rule 7(4) or rule 10 shall be displayed to the public in two or more places designated for that purpose by the committee of the cathedral church concerned, being places—

- (a) to which the public has access; and
- (b) which, in the opinion of the committee, are sufficient to bring the contents of the notice to the attention of members of the public who may wish to have information regarding the proposal or decision to which the notice relates or, in the case of a notice under sections 7(1) or 8(1), who may wish to make representations with respect to the proposal to which the notice relates.

Copies of documents

14.—(1) Where any administrative body makes an application to a committee under section 6(1) for approval of a proposal which falls within section 2(1)(a), the chapter clerk shall send free of charge to the local planning authority one copy of every plan, drawing, specification and other document which accompanies the application or which forms part of the details of the proposal available for inspection in accordance with the notices required by section 7(1).

(2) Where any administrative body makes an application to the Commission under section 6(1) for approval of a proposal, the chapter clerk shall send free of charge to each of—

- (a) the Historic Buildings and Monuments Commission;
- (b) any person whom the national amenity societies may jointly appoint for the purpose of this rule; and
- (c) if the proposal falls within section 2(1)(a), the local planning authority;

one copy of every plan, drawing, specification and other document which accompanies the application or which forms part of the details of the proposal available for inspection in accordance with the notices required by section 8(1).

(3) Where any administrative body has made an application to a committee or to the Commission under section 6(1) for approval of a proposal, it shall on request and on prior payment of a reasonable charge fixed by it (including a charge for postage and packing where appropriate) promptly supply—

- (a) to any person or body who or which is entitled to one copy free of charge under paragraphs (1) or (2) of this rule, not more than three additional copies; and
- (b) to any of the national amenity societies, to any local amenity society and, if it is not entitled to one copy free of charge under paragraphs (1) or (2) of this rule, to the local planning authority, not more than three copies;

of any such plan, drawing, specification or other document as is referred to in paragraph (1) of this rule in the case of an application to a committee or in paragraph (2) of this rule in the case of an application to the Commission.

Proposals affecting clergy housing

15. Where any administrative body makes an application to a committee or the Commission for approval of a proposal which falls within section 2(1)(a)(ii) or 2(1)(a)(iii) and which 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 chapter clerk shall send to the Church Commissioners a copy of the notice in respect of the proposal which is required to be displayed under section 7(1) or, as the case may be, section 8(1);
- (b) any observations made by the Church Commissioners to the committee or the Commission with respect to the proposal shall be treated for the purposes of the Measure as representations made under section 7 or, as the case may be section 8; and
- (c) the secretary of the 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 committee, the Commission or a Commission of Review as the case may be, which is required under section 7(3), section 8(3), rule 6(4) or rule 10.

Evidence

16. For the purposes of any application, appeal, request or other matter under sections 5 to 10, a 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, including evidence which would not be admissible in criminal or civil proceedings; and
- (b) may receive oral evidence which is not given upon oath or affirmation.