

---

STATUTORY INSTRUMENTS

---

**2006 No. 1941**

**The Care of Cathedrals Rules 2006**

**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).