

Status: Point in time view as at 07/02/2006.

Changes to legislation: There are currently no known outstanding effects for the Care of Cathedrals Measure 1990 (No. 2) (repealed). (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 3.

THE CATHEDRALS FABRIC COMMISSION FOR ENGLAND

Membership

- 1 The Commission shall consist of a chairman, a vice-chairman and twenty-two other members.
- 2 The chairman shall be a lay person appointed by the Archbishops of Canterbury and York after consultation with the Secretary of State for the Environment, and the vice-chairman shall be appointed by the Archbishops after consultation with the Standing Committee and with such organisation as appears to the Archbishops to be representative of the deans ^{F1}... of cathedral churches.

Textual Amendments

- F1** Words in Sch. 1 para. 2 omitted (7.2.2006) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 1 para. 2](#); 2006 No. 1, Instrument made by Archbishops

Modifications etc. (not altering text)

- C1** Sch. 1 para. 2: Functions of Standing Committee transferred (1.1.1999) to Archbishops' Council by [S.I. 1998/1715](#), arts. 1(2)(4), 2, [Sch. 1](#); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- 3 Seventeen members of the Commission shall be appointed by the Archbishops of Canterbury and York as follows—
 - (a) one member shall be appointed on the nomination of the House of Bishops from among the members of that House;
 - (b) two members shall be appointed on the nomination of such organisation as appears to the Archbishops to be representative of the deans ^{F2}... of cathedral churches and at least one of those two members shall be a dean ^{F2}... of a cathedral church;
 - ^{F3}(c) three members shall be appointed on the nomination of the Council for the Care of Churches, of whom two shall be selected from among the members of the Council or a committee thereof;]
 - (d) two members shall be persons holding office [^{F4}as cathedral architects or surveyors of the fabric one of whom shall be appointed after consultation with the President of the Royal Institute of British Architects and the other shall be appointed after consultation with that President and the President of the Royal Institution of Chartered Surveyors];
 - ^{F5}(e) one member shall be an architect or chartered building surveyor appointed after consultation with the President of the Ecclesiastical Architects and Surveyors Association and one member shall be a chartered engineer

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appointed after consultation with the President of the Institution of Structural Engineers and the President of the Institution of Civil Engineers, being persons with experience of the care of historic buildings;]

- (f) one member shall be a painter, sculptor or other artist, with experience of work for cathedral or other churches, who shall be appointed after consultation with the President of the Royal Academy of Art;
- [^{F6}(g) six members shall be appointed as follows—
- (i) one shall be appointed after consultation with the Secretary of State;
 - (ii) one shall be appointed after consultation with the Chairman of English Heritage;
 - (iii) one shall be appointed after consultation with the President of the Council for British Archaeology and the President of the Society of Antiquaries of London;
 - (iv) two shall be appointed after consultation with the Chairman of the Liturgical Commission; and
 - (v) one shall be appointed after consultation with the Director of the Royal School of Church Music.]

Textual Amendments

- F2** Words in Sch. 1 para. 3(b) omitted (7.2.2006) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 1 para. 3\(a\)](#); 2006 No. 1, Instrument made by Archbishops
- F3** Sch. 1 para. 3(c) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 1 para. 3\(b\)](#); 2006 No. 1, Instrument made by Archbishops
- F4** Words in Sch. 1 para. 3(d) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 1 para. 3\(c\)](#); 2006 No. 1, Instrument made by Archbishops
- F5** Sch. 1 para. 3(e) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 1 para. 3\(d\)](#); 2006 No. 1, Instrument made by Archbishops
- F6** Sch. 1 para. 3(g) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 1 para. 3\(e\)](#); 2006 No. 1, Instrument made by Archbishops

- [^{F7}3A All the members of the Commission appointed in pursuance of paragraph 3(b) to (g) above shall be persons who between them have special knowledge of archaeology, architecture, archives, art, the care and conservation of books, manuscripts and other historic objects, history (including history of art and architecture) and liturgy (including church music).]

Textual Amendments

- F7** Sch. 1 para. 3A inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 1 para. 4](#); 2006 No. 1, Instrument made by Archbishops

- 4 Five members of the Commission, of whom at least one shall be a member of the administrative body of a cathedral church, shall be elected by the General Synod from among its members, each person so elected having knowledge of the ways in which cathedral churches are currently used and of their contribution to the work of the Church of England.

- 5 No person who is a member of the administrative body or fabric advisory committee of any cathedral church or a member or officer of a relevant committee of any

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designated organisation shall be eligible for appointment as the chairman or vice-chairman of the Commission.

- 6 The chairman and other members of the Commission shall hold office for five years beginning on [^{F8}the first day of May] in the year next following the year in which the General Synod is dissolved and a new Synod comes into being.

Textual Amendments

- F8** Words in Sch. 1 para. 6 substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 1 para. 5](#); 2006 No. 1, Instrument made by Archbishops

- 7 Any member of the Commission shall on ceasing to hold office be eligible for re-appointment [^{F9}or re-election] unless he became such a member by virtue of re-appointment [^{F9}or re-election] under this paragraph [^{F9}or appointment under paragraph 7A below following re-election under this paragraph]:

^{F10}
...

Textual Amendments

- F9** Words in Sch. 1 para. 7 inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 1 para. 6](#); 2006 No. 1, Instrument made by Archbishops
- F10** Words in Sch. 1 para. 7 omitted (7.2.2006) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 1 para. 6](#); 2006 No. 1, Instrument made by Archbishops

- [^{F11}7A Where a member of the Commission elected by the General Synod under paragraph 4 above has, following the dissolution of the Synod, not been re-elected to the new Synod, that person may be appointed by the Appointments Committee of the Church of England as a member and shall hold office until the thirtieth day of April following the year in which the new Synod comes into being.]

Textual Amendments

- F11** Sch. 1 para. 7A inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 1 para. 7](#); 2006 No. 1, Instrument made by Archbishops

Casual Vacancies

- 8 Where a casual vacancy occurs among the members of the Commission appointed by the Archbishops of Canterbury and York, the Archbishops, after such consultation as appears to them to be appropriate having regard to the knowledge or experience of the person whose place is to be filled, may appoint a person to fill the vacancy.
- 9 Where a casual vacancy occurs among the members of the Commission elected by the General Synod, the General Synod may elect one of its members to fill the vacancy, the person so elected having knowledge of the matters mentioned in paragraph 4 above.
- 10 Any person appointed or elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place he is appointed or elected [^{F12}, but shall be eligible for re-appointment or re-election for one further

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term of office in accordance with paragraph 7 above, and if the Archbishops of Canterbury and York so direct, shall be eligible for re-appointment or re-election for a second further term].

Textual Amendments

F12 Words in Sch. 1 para. 10 added (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 1 para. 8](#); 2006 No. 1, Instrument made by Archbishops

Secretary

- 11 The Commission shall appoint a secretary to the Commission but no person shall be appointed who is a member or officer of the administrative body or fabric advisory committee of any cathedral church or a member of a relevant committee of any designated organisation.

Committees

- 12 The Commission shall have power to appoint such committees as it considers expedient.
- 13 Persons who are not members of the Commission may be appointed to any committee thereof, but the number of such persons appointed to a committee shall be less than half the total number of members of the committee.

Proceedings

- 14 The quorum of the Commission shall be eight members.
- 15 Subject to paragraph 14 above, the Commission may act notwithstanding any vacancy in its membership.
- 16 The Commission shall have power to hold public hearings in connection with any matter to be considered by it for the purpose of receiving oral representations from members of the public.
- 17 Subject to the preceding provision of this Schedule and to any directions as to procedure given by the General Synod, the Commission shall have power to regulate its own procedure.

Designated organisations

- 18 The Archbishops of Canterbury and York acting jointly may designate the organisations which are to be “designated organisations” for the purposes of paragraphs 5 and 11 above and may specify the committees of those organisations which are to be “relevant committees” for the purposes of those paragraphs.

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SCHEDULE 2

Section 4.

FABRIC ADVISORY COMMITTEES

Membership

- 1 The fabric advisory committee shall consist of—
- (a) not less than three nor more than five members appointed by the administrative body after consultation with the Cathedrals Fabric Commission, [^{F13}not being members of the Chapter or persons who are employed or hold paid office in the cathedral]; and
 - (b) not less than three nor more than five members appointed by the Commission after consultation with the administrative body, being persons having special knowledge with respect to the care and maintenance of buildings of outstanding architectural or historic interest and a particular interest in the cathedral church concerned.

The number of members to be appointed by the administrative body and by the Commission shall be the same in each case and shall be determined, on each occasion when the committee is appointed, by the administrative body after consultation with the Commission.

Textual Amendments

- F13** Words in Sch. 2 para. 1(a) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 2](#) (with [Sch. 2 para. 9](#)); 2006 No. 1, Instrument made by Archbishops

- 2 The committee shall appoint a chairman from among its members.

- [^{F143} The dean of the cathedral, the administrator of the cathedral and such other members of the Chapter as the Chapter, after consulting the fabric advisory committee, considers appropriate, shall be entitled to attend, and to speak, at meetings of the committee or such meetings of the committee as may be specified by the Chapter, but no such person shall be entitled to vote.]

Textual Amendments

- F14** Sch. 2 para. 3 substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 3](#); 2006 No. 1, Instrument made by Archbishops

- 4 It shall be the duty of the cathedral architect [^{F15}or surveyor of the fabric] and the person (if any) holding office as [^{F16}cathedral archaeologist] to attend meetings of the committee unless the chairman permits or directs otherwise.

Textual Amendments

- F15** Words in Sch. 2 para. 4 inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 4](#); 2006 No. 1, Instrument made by Archbishops
- F16** Words in Sch. 2 para. 4 substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 4](#); 2006 No. 1, Instrument made by Archbishops

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- 5 No person who holds any paid office in the Commission shall be eligible for appointment as a member of the committee.
- 6 The members of the committee shall hold office for a period of five years but shall be eligible for reappointment.
- 7 The committee shall appoint some person, whether or not a member of the committee, to be secretary of the committee [^{F17}, provided that, in the case of a member of the Chapter or a person who is employed or holds paid office in the cathedral, the committee shall have particular regard to the question whether there is any conflict of interests which would make it inappropriate to appoint that person as the secretary].

Textual Amendments

F17 Words in Sch. 2 para. 7 added (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 5](#); 2006 No. 1, Instrument made by Archbishops

- 8 Any expenses properly incurred by a member of the committee for the purposes of this Measure shall be reimbursed by the [^{F18}Chapter of the cathedral].

Textual Amendments

F18 Words in Sch. 2 para. 8 substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 6](#); 2006 No. 1, Instrument made by Archbishops

Casual vacancies

- 9 Where a casual vacancy occurs among the members of the committee, the body which appointed the person whose place is to be filled may [^{F19}after carrying out the like consultation as was required when the appointment was made] appoint a person to fill the vacancy, and any person so appointed shall hold office for the unexpired portion of the term of office of the person in whose place he is appointed.

Textual Amendments

F19 Words in Sch. 2 para. 9 inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 7](#); 2006 No. 1, Instrument made by Archbishops

Procedure

- 10 The quorum of the committee shall be—
- (a) six members, if the membership of the committee is ten;
 - (b) five members, if the membership of the committee is eight;
 - (c) four members, if the membership of the committee is six.
- 11 Subject to paragraph 10 above, the committee may act notwithstanding any vacancy in its membership.
- [^{F20}11A The business of the committee shall be decided by a majority of the members present and voting thereon and, in the event of an equal division of votes, the chairman shall have a second or casting vote.]

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Textual Amendments

F20 Sch. 2 para. 11A inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 2 para. 8](#); 2006 No. 1, Instrument made by Archbishops

- 12 The committee shall hold not less than two meetings each year, and if three or more members, by notice sent to the secretary of the committee, request that a special meeting be held, such a meeting shall be held within four weeks of the sending of that notice.
- 13 The secretary of the committee shall place on the agenda for the next meeting any matter requested by any member of the committee.
- 14 The secretary of the committee shall before each meeting send to the administrative body and to the Commission a copy of the agenda for that meeting and shall after each meeting send to the administrative body and to the Commission a copy of the minutes of that meeting.
- 15 Subject to the preceding provisions of this Schedule, the committee shall have power to regulate its own procedure.

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