



Care of Cathedrals Measure 2011

2011 No. 1

PART 2

APPROVAL FOR WORKS TO CATHEDRALS AND APPROVAL BODIES

Application for Approval

9 Applications for approval of Cathedrals Fabric Commission

- (1) Where any application is made by the Chapter of a cathedral for the approval of the Commission, the administrator shall—
- display in the prescribed manner, and
 - send to the fabric advisory committee, English Heritage and the national amenity societies (or such person as those societies may jointly appoint for the purposes of this section),

a notice in the prescribed form specifying the place where details of the proposal are available for inspection and stating that representations in writing with respect to the proposal may be sent to the secretary of the Commission before the end of the prescribed period; and, if the application relates to a proposal of a kind described in section 2(1)(a) [^{F1}or (2A)], the administrator shall also send such a notice to the local planning authority.

- (2) Following receipt of the notice referred to in subsection (1), the secretary of the fabric advisory committee shall inform the Commission in writing whether the committee has considered the proposal and, if so, of its views.
- (3) After considering any representations made to it under this section, the Commission 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.

[^{F2}(3A) In the case of a proposal of the kind described in section 2(2A), the Commission may, in spite of section 3 of the Disused Burial Grounds Act 1884 (which prohibits building on disused burial grounds except for the purpose of enlarging a place of worship), give its approval if either of the following conditions is met.

Changes to legislation: Care of Cathedrals Measure 2011, Section 9 is up to date with all changes known to be in force on or before 25 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3B) The first condition is that no interments have taken place in the land on which the building is to stand during the period of 50 years preceding the date of the application for approval of the proposal.

(3C) The second condition is that—

- (a) no personal representative or relative of a person whose remains have been interred in the land during that period has objected to the proposal, or
- (b) any such objection has been withdrawn.

(3D) In subsection (3C), “relative”, in relation to a person, means—

- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
- (b) a person who is, or is a child of, a brother, sister, uncle or aunt of the person.

(3E) The reference in subsection (3D)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.]

(4) Before determining whether to give approval to any proposal for the sale, loan or other disposal of an object falling within section 6(1)(a)(iv), the Commission may consult the Church Commissioners on any financial considerations (other than any which relate to the valuation of the object in question) which may be relevant to the proposal and on which the Commission considers it appropriate to receive the advice of the Church Commissioners and the Church Commissioners shall give such advice as they consider appropriate.

^{F3}(5)

(6) If a meeting is arranged between the Commission and the Chapter of the cathedral to discuss the proposal, the administrator shall notify the secretary of the fabric advisory committee of the meeting and the committee's representatives shall be entitled to be present at the meeting.

(7) The secretary of the Commission shall send notice of the Commission's decision—

- (a) to the Chapter of the cathedral,
- (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 this section), and
- (e) if the decision relates to a proposal of a kind described in section 2(1)(a) [^{F4}or (2A)], to the local planning authority,
- (f) if the Commission has consulted the Church Commissioners on the proposal under subsection (4), to the Church Commissioners,

and the administrator shall display in the prescribed manner a copy of the notice sent to the Chapter under this subsection.

[^{F5}(7A) The Commission, whether on the application of the Chapter or on its own initiative, may vary or revoke an approval, or a condition of an approval, given under this section (including an approval given by virtue of subsection (8)).

(7B) The Commission may not exercise the power under subsection (7A) in a way which would, in its opinion, result in the approval of a proposal substantially different from the proposal originally given approval.

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- (7C) Subsection (7) applies to a decision by the Commission to exercise, or not to exercise, the power under subsection (7A) as it applies to a decision by it whether to give, or to refuse to give, its approval to a proposal.]
- (8) This section shall apply in relation to an application for approval in pursuance of section 2(3) as it applies in relation to an application for approval of a proposal.

Textual Amendments

- F1** Words in s. 9(1) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 6(4)**, 16(3); S.I. 2020/835, art. 2
- F2** S. 9(3A)-(3E) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 6(5)**, 16(3); S.I. 2020/835, art. 2
- F3** S. 9(5) omitted (coming into force in accordance with s. 53(3) of the amending Measure) by virtue of Cathedrals Measure 2021 (No. 2), **Sch. 4 para. 34** (with ss. 42(4), 48, 52(1))
- F4** Words in s. 9(7)(e) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 6(4)**, 16(3); S.I. 2020/835, art. 2
- F5** S. 9(7A)-(7C) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 5(2)**, 16(3); S.I. 2020/835, art. 2

Commencement Information

- I1** S. 9 in force at 1.9.2011 by 2011 No. 2, **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 2(1)(ba) and word inserted by [2024 No. 1 s. 15\(1\)](#)