STATUTORY INSTRUMENTS

2006 No. 1941

The Care of Cathedrals Rules 2006

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.