
STATUTORY INSTRUMENTS

2006 No. 1941

The Care of Cathedrals Rules 2006

PART 9

Procedure and Evidence

Procedure of fabric advisory committee

22.—(1) Subject to complying with the requirements of paragraphs 10 to 14 inclusive of Schedule 2 to the Measure, the fabric advisory committee may regulate its own procedure.

(2) Subject to sub-rules (3) to (5) of this rule, meetings of the fabric advisory committee shall be held in private.

(3) The dean of the cathedral, the administrator and such other members of the Chapter as, after consulting the fabric advisory committee, the Chapter considers appropriate, shall be entitled to attend and to speak at meetings of the fabric advisory committee or such meetings of the fabric advisory committee as may be specified by the Chapter, but no such person shall be entitled to vote.

(4) It shall be the duty of the cathedral architect or surveyor of the fabric and the person (if any) holding office as cathedral archaeologist to attend meetings of the fabric advisory committee unless the chair permits or directs otherwise.

(5) The fabric advisory committee, if it sees fit, may invite any person to attend a meeting or meetings of the fabric advisory committee for the duration of consideration of a particular item and any such person shall be entitled to attend and speak but not to vote at any such meeting.

Procedure of Commission

23.—(1) The chair of the Commission, or a member of the Commission duly authorised to act on behalf of the chair, may give directions as to procedure relating to matters to be considered by the Commission, whether or not any person has made an application for directions.

(2) Where the Commission is considering a request under rule 6 or an appeal under rules 8 or 9 no member of the Commission who is also a member of the fabric advisory committee against whose decision or non-determination the appeal is brought shall participate in the proceedings.

(3) Any matter to be determined by the Commission under these rules shall be decided by a majority of the members present and voting and in the event of an equal division of votes, the chair shall have a second or casting vote.

(4) The Commission, if it sees fit, may hold a public hearing in connection with any matter to be considered by it for the purpose of receiving oral representations from members of the public provided that—

- (a) notice of the date and place of the public hearing is displayed inside and outside the cathedral concerned where it is readily visible to the public for a period of not less than 28 days;
- (b) not less than 28 days beforehand, the secretary of the Commission notifies the Chapter of the date and place of the public hearing.

(5) For the purpose of a public hearing under sub-rule (4) the Commission may appoint a panel of not less than three members of the Commission and it shall be the duty of the panel—

- (a) to hold a public hearing on the date and at the place specified in sub-rule (4) or as varied under sub-rule (6), and
- (b) within 28 days after the conclusion of the public hearing to provide the Commission with a written report about it.

(6) The chair of the Commission, or a member of the Commission duly authorised to act on behalf of the chair or as chair of a panel appointed under sub-rule (5) may vary the date or place of any public hearing or adjourn the public hearing to a later date provided that not less than 10 days notice of the same shall be given in accordance with the requirements in sub-rule (4)(a) and (b).

Procedure of Commission of Review and orders as to costs

24.—(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 the Dean under section 10(3) (a) may, whether or not an application has been made by any person, give directions 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 or place of any sitting of the Commission of Review.

(4) A Commission of Review may make such orders—

- (a) for the payment of costs by any person, including administrative expenses in connection with the hearing of an appeal or the conduct of a review under these rules, expenses incurred by members of the Commission of Review in relation thereto, and any fees for the same as may be fixed by the Fees Advisory Commission under the Ecclesiastical Fees Measure 1986(1);
- (b) for the giving of security for costs by any person concerned,

as seem to the Commission of Review to be just.

(5) Sections 60(3) and 61 of the Ecclesiastical Jurisdiction Measure 1963(2) shall apply in relation to any order for the payment of costs under sub-rule 4(a) of this rule as they apply in relation to an order or direction for payment of, or award of, costs under section 60 of the said Measure.

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

Declaration of personal interest

25.—(1) At any meeting of the Commission or a fabric advisory committee, a member who has a personal interest in any item to be discussed at that meeting shall—

- (a) declare it no later than immediately before the item is to be discussed, and
- (b) withdraw from the meeting for the whole of the discussion and vote (if any)

save that where the chair of the meeting is satisfied that it would assist the members present to be informed as to some matters of fact, the chair may permit the member with a personal interest to remain at the meeting at the commencement of the discussion on the item in order to provide factual information and thereafter that member shall withdraw from the meeting.

(1) 1986 No.2.
(2) 1963 No.1.

(2) If at any meeting of the Commission or a fabric advisory committee the chair or vice-chair of the Commission or the chair of the fabric advisory committee has a personal interest in any item to be discussed at that meeting then the chair or vice-chair, as the case may be, shall—

- (a) declare it no later than immediately before the item is to be discussed,
- (b) withdraw from the meeting for the whole of the discussion and vote (if any), and
- (c) whichever of the chair or vice-chair of the Commission has no personal interest in the item shall chair the meeting for that item, and in the case of the fabric advisory committee a member elected by the fabric advisory committee shall act as chair of the meeting for that item, and
- (d) if the person chairing the meeting under paragraph (c) is satisfied that it would assist members present to be informed as to some matters of fact, the chair of the meeting may permit the chair or vice-chair of the Commission or the chair of the fabric advisory committee, as the case may be, with a personal interest to remain at the meeting at the commencement of the discussion on the item in order to provide factual information and thereafter the chair or vice-chair or chair of the fabric advisory committee, as the case may be, shall withdraw from the meeting.

Evidence

26. For the purposes of any application, appeal, request or other matter under these rules a fabric advisory 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; and
- (b) may receive oral evidence which is not given upon oath or affirmation.