



# Care of Cathedrals Measure 1990 (No. 2) (repealed)

1990 No. 2

## *General principle*

### **1 Duty to have regard to cathedral's purpose.**

Any body on which functions of care and conservation are conferred by this Measure shall in exercising those functions have due regard to the fact that the cathedral church is the seat of the bishop and a centre of worship and mission.

## *Approval required for alterations to cathedrals*

### **2 Approval required for alterations to cathedrals.**

(1) Subject to subsection (2) below and to [F<sup>1</sup>sections 5 and 6] of this Measure, the [F<sup>2</sup>Chapter of a cathedral] shall not implement [F<sup>3</sup>or consent to the implementation of] any proposal—

- (a) for the carrying out of works [F<sup>4</sup>, including works of repair or maintenance,] on, above or below land the fee simple in which is vested in the [F<sup>5</sup>corporate body], being works which would materially affect—
  - (i) the architectural, archaeological, artistic or historic character of the cathedral church or any building within the precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
  - (ii) the immediate setting of the cathedral church, or
  - (iii) any archaeological remains within the precinct of the cathedral church, or
- (b) for the sale, loan or other disposal of any object the property in which is vested in [F<sup>6</sup>the corporate body or which is in the possession or custody of the corporate body or to whose possession or custody the corporate body is entitled, being an object of architectural, archaeological, artistic or historic interest, including any object to which section 6A below applies]

*Status: Point in time view as at 11/06/2008.*

*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to legislation: There are currently no known outstanding effects for the Care of Cathedrals Measure 1990 (No. 2) (repealed).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)*

- [<sup>F7</sup>(bb) for the carrying out of any work to any such object as is referred to in paragraph (b) above which would materially affect the architectural, archaeological, artistic or historic character of the object, or]
- (c) for the permanent addition to the cathedral church of any object which would materially affect the architectural, archaeological, artistic or historic character of the cathedral church,
- unless the proposal has been approved under this Measure.
- (2) Subsection (1) above shall not apply in relation to anything which—
- (a) is done by the [<sup>F2</sup>Chapter] in furtherance of its duties under the constitution and statutes of the cathedral church with respect to the ordering of services or otherwise in furtherance of the mission of the cathedral church,
- (b) is of a temporary nature, and
- (c) does not materially affect the fabric of the cathedral church.
- [<sup>F8</sup>(3) Where a proposal has been implemented in contravention of this section, anything done in connection with such implementation may be approved under this Measure and, in that event, shall be deemed to have been done in compliance with this section.]

#### Textual Amendments

- F1** Words in s. 2(1) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 1(a), 20(3)**; [2007 No. 2](#), Instrument made by Archbishops
- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); [2007 No. 2](#), Instrument made by Archbishops
- F3** Words in s. 2(1) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 1(b), 20(3)**; [2007 No. 2](#), Instrument made by Archbishops
- F4** Words in s. 2(1)(a) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 1(c), 20(3)**; [2007 No. 2](#), Instrument made by Archbishops
- F5** Words in s. 2(1)(a) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 1(c), 20(3)**; [2007 No. 2](#), Instrument made by Archbishops
- F6** Words in s. 2(1)(b) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 1(d), 20(3)**; [2007 No. 2](#), Instrument made by Archbishops
- F7** S. 2(1)(bb) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 1(e), 20(3)**; [2007 No. 2](#), Instrument made by Archbishops
- F8** S. 2(3) inserted (1.10.1994) by [1994 No. 2](#), **s. 7(2)**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

### *Establishment and functions of the Cathedrals Fabric Commission and fabric advisory committees.*

## 3 The Cathedrals Fabric Commission for England.

- (1) There shall be established a body to be called the Cathedrals Fabric Commission for England (in this Measure referred to as “the Commission”) which shall have the functions assigned to it by this Measure.
- (2) It shall be the duty of the Commission—
- (a) to give advice to the [<sup>F2</sup>Chapter of a cathedral], and to the fabric advisory committee, on the care, conservation, repair or development of the cathedral

*Status: Point in time view as at 11/06/2008.*

*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)*

- church [<sup>F9</sup>, any buildings or archaeological remains within its precinct, the landscape and environment in which the cathedral church is situated and any objects referred to in section 2(1)(b) above];
- [<sup>F10</sup>(aa) to give advice to bishops and to the Vicar-General's court when it is sought under the Care of Cathedrals (Supplementary Provisions) Measure 1994;]
- (b) to consider and determine any application made to it in accordance with the provisions of this Measure by the [<sup>F2</sup>Chapter of a cathedral];
- (c) to promote co-operation between the Commission and organisations concerned with the care and study of buildings of architectural, archaeological, artistic or historic interest in England;
- (d) to assist the [<sup>F2</sup>Chapters of cathedrals] by participating in educational and research projects which in the view of the Commission will promote the care, conservation, repair or development of cathedral churches and their ancillary buildings; and
- (e) to maintain jointly with the Council for the Care of Churches, a library of books, plans, drawings, photographs and other material relating to cathedral [<sup>F11</sup>and other] churches and the objects in them.
- [<sup>F12</sup>(2A) It shall also be the duty of the Commission to promote, in consultation with Chapters, fabric advisory committees and such other persons or organisations as it thinks fit, by means of guidance or otherwise, standards of good practice to be observed in relation to—
- (a) the matters referred to in subsection (2)(a) above;
- (b) the role and duties of cathedral architects or surveyors of the fabric and cathedral archaeologists;
- (c) the compilation, maintenance and dissemination of information of architectural, archaeological, artistic and historic interest concerning cathedral churches, buildings and archaeological remains within their precincts and any objects referred to in section 2(1)(b) above; and
- (d) the form and content of the records required to be kept by the Chapter under section 14B(a) below.]
- (3) The provisions of Schedule 1 to this Measure shall have effect with respect to the Commission.

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\)](#), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops
- F9** Words in s. 3(2)(a) added (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), ss. 2\(1\), 20\(3\)](#); 2007 No. 2, Instrument made by Archbishops
- F10** S. 3(2)(aa) inserted (1.10.1994) by 1994 No. 2, s. 7(3); Instrument dated 25.7.1994 made by [Archbishops of Canterbury and York](#)
- F11** Words in s. 3(2)(e) inserted (1.1.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\), ss. 63\(5\), 66\(2\)](#); 2007 No. 3, Instrument made by Archbishops
- F12** S. 3(2A) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), ss. 2\(2\), 20\(3\)](#); 2007 No. 2, Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

*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)*

#### 4 Establishment of fabric advisory committees.

- (1) The [<sup>F2</sup>Chapter of every cathedral] and the Commission shall jointly establish a committee, to be called the fabric advisory committee, which shall have the functions assigned to it by this Measure.
- (2) It shall be the duty of the fabric advisory committee—
  - (a) to give advice to the [<sup>F2</sup>Chapter of a cathedral] on the care, conservation, repair or development of the cathedral church [<sup>F13</sup>, any buildings or archaeological remains within its precinct, the landscape and environment in which the cathedral church is situated and any objects referred to in section 2(1)(b) above ]; and
  - (b) to consider and determine any application made to it in accordance with the provisions of this Measure by the [<sup>F2</sup>Chapter of a cathedral].
- (3) The provisions of Schedule 2 to this Measure shall have effect with respect to fabric advisory committees.

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops
- F13** Words in s. 4(2)(a) added (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 3, 20(3)**; 2007 No. 2, Instrument made by Archbishops

#### [<sup>F145</sup> Powers of fabric advisory committee in relation to application of section 2.

- (1) The fabric advisory committee shall have power—
  - (a) if requested to do so by the Chapter, to determine whether, under section 2(1) above, an application for approval of a proposal by the Chapter is required to be made; and
  - (b) after consultation with the Chapter and subject to the agreement of the Commission, to determine that section 2 above is not to apply to proposals of any class or description specified by the committee, and to vary or revoke any determination made under this paragraph.
- (2) If the Chapter wishes to have it determined whether a proposal is one to which section 2 above does not apply by virtue of subsection (1)(b) above the fabric advisory committee shall have power to determine that question.
- (3) Where the Commission has made a determination under section 6(2) below in relation to any matter, the fabric advisory committee shall not make a determination under subsection (1)(a) above in relation to the same matter.]

#### Textual Amendments

- F14** [S. 5](#) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 4, 20(3)**; 2007 No. 2, Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

*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)*

### *Applications for approval*

## **6 Body to which application for approval to be made.**

(1) Any application for approval for a proposal shall be made to the Commission where—

(a) the proposal would involve—

- (i) the carrying out of works [<sup>F15</sup>, including works of repair or maintenance,] which would permanently alter the fabric of the cathedral church or any building within the precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
- (ii) the demolition of any part of the cathedral church or any such building, or
- (iii) the disturbance or destruction of any archaeological remains within the precinct of the cathedral church, or
- (iv) the sale, loan or other disposal of [<sup>F16</sup>or the carrying out of any work to] any object for the time being designated under section 13(2) of this Measure in relation to the cathedral church as being of outstanding architectural, archaeological, artistic or historic interest, or

(b) the Commission declares in writing that the proposal gives rise to considerations of such special architectural, archaeological, artistic or historic interest that the application should be determined by it;

and any application for approval for any other proposal [<sup>F17</sup>other than an application under section 6A(4)(a) below] shall be made to the fabric advisory committee.

(2) If the [<sup>F2</sup> Chapter] or the fabric advisory committee wishes to have it determined whether under subsection (1) above an application for approval is required to be made to the committee or to the Commission, the Commission shall have power to determine that question.

[<sup>F18</sup>(2A) If the Commission considers that a proposal falls within subsection (1)(a) above, but that the proposal does not give rise to considerations of sufficient importance to require an application to be considered by it, it may make a declaration in writing to that effect and any application for approval of the proposal shall be made instead to the fabric advisory committee.

(2B) The Commission shall also have power, after consultation with any relevant Chapter and any relevant fabric advisory committee, English Heritage, the national amenity societies (or such person as the societies shall jointly appoint for the purposes of this section) and, in the case of a proposal of a kind described in section 2(1)(a) above, any relevant local planning authority, to determine that subsection (1)(a) above shall not apply to proposals of any class or description specified by the Commission in relation either to cathedrals generally or to such cathedrals as may be specified and to vary or revoke any determination made under this subsection and any application for approval of any such proposal shall be made instead to the fabric advisory committee.

(2C) If, following a request in writing from the Chapter of a cathedral, the Commission is satisfied—

(a) that a proposal or intended proposal falls within section 2(1)(a)(ii) or (iii) above;

(b) that the proposal does not relate to the cathedral church or a building within the precinct of the cathedral church for the time being used for ecclesiastical purposes;

*Status: Point in time view as at 11/06/2008.*

*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)*

- (c) that planning permission, listed building consent or scheduled monument consent is required for the carrying out of all the works to which the proposal relates; and
- (d) that any considerations relevant to preserving the immediate setting of the cathedral church or any archaeological remains within the precinct of the cathedral church will be or have been adequately taken into account by the person or body responsible for granting the permission or consent;

the Commission may, after consulting the local planning authority, the fabric advisory committee and English Heritage, make a declaration in writing that no approval is required under this Measure for the proposal.

(2D) In subsection (2C) above “planning permission”, “listed building consent” and “scheduled monument consent” have the meanings respectively assigned to them by section 336(1) of the Town and Country Planning Act 1990 (c. 8), section 8(7) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) and section 2(3) (a) of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46). ]

(3) Where, on an application made to the fabric advisory committee by virtue of subsection (1) above (not being an application in respect of which a determination has been made under subsection (2) above), at least three members of the committee present and voting 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 committee shall refer the application to the Commission and shall notify the [F2Chapter] accordingly; and section 8 of this Measure shall apply in relation to that application.

[F19(3A) Any application for approval in pursuance of section 2(3) above shall be made to the Commission.]

(4) Any application under this section shall be made in accordance with rules made under [F20section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1)].

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops
- F15** Words in s. 6(1)(a)(i) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 5(1)(a)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F16** Words in s. 6(1)(a)(iv) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 5(1)(b)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F17** Words in s. 6(1) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 5(2)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F18** S. 6(2A)-(2D) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 5(3)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F19** S. 6(3A) inserted (1.10.1994) by [1994 No. 2](#), s. 7(4); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F20** Words in s. 6(4) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 5(4)**, 20(3); 2007 No. 2, Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

*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)*

## [<sup>F21</sup>6A Treasure

- (1) This section applies to any object which would, but for an order under section 2(2) of the Treasure Act 1996 (c. 24), be treasure within the meaning of that Act and which is found within the precinct of a cathedral.
- (2) Where the administrator of the cathedral becomes aware that an object has been discovered which appears to be an object to which this section applies the administrator—
  - (a) shall within fourteen days notify the Commission in writing of the discovery; and
  - (b) shall arrange for the object to be recorded in the inventory required to be compiled and maintained under section 13 below and designated as treasure in that inventory in accordance with directions issued by the Commission.
- (3) On receipt of a notification under subsection (2) above the secretary of the Commission shall report the discovery, in writing, to the Secretary of State or to such person or body as may be designated by the Secretary of State.
- (4) The Chapter of the cathedral shall—
  - (a) before implementing any proposal for the sale, loan or other disposal of an object to which this section applies, apply to the Commission for approval, unless the Commission's approval is required under section 6 above; and
  - (b) before implementing any proposal for the sale or other disposal (other than a loan) of such an object, afford the British Museum or another registered museum nominated by the British Museum an opportunity of purchasing the object.
- (5) Rules made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1) may prescribe the procedure to be followed in connection with any matters arising under this section and in particular shall make provision for determining the purchase price to be paid under subsection (4)(b) above and for the procedure for and the matters to be taken into account in arriving at the purchase price.
- (6) In subsection (4)(b) above “ registered museum ” has the meaning ascribed to it in the Code of Practice issued under section 11 of the Treasure Act 1996 or such other meaning as may be specified by the Secretary of State. ]

### Textual Amendments

**F21** S. 6A inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), ss. 6, 20(3); [2007 No. 2](#), Instrument made by Archbishops

## 7 Applications for approval of fabric advisory committee.

- (1) Where any application is made by the [<sup>F2</sup>Chapter of a cathedral] for the approval of the fabric advisory committee, the [<sup>F2</sup>administrator] shall display in the prescribed manner 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 committee before the end of the prescribed period; and he shall also send such a notice—
  - [<sup>F22</sup>(a) to the Commission, and

*Status: Point in time view as at 11/06/2008.*

*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)*

- (b) if the application relates to a proposal of a kind described in section 2(1)(a) above—
- (i) to English Heritage,
  - (ii) to the national amenity societies (or such person as those societies shall jointly appoint for the purposes of this section), and
  - (iii) to the local planning authority.]
- (2) After considering any representations made to it under this section, the fabric advisory committee 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.
- [<sup>F23</sup>(3) The secretary of the fabric advisory committee shall send notice of the committee's decision—
- (a) to the Chapter of the cathedral,
  - (b) to the Commission, and
  - (c) to any body or person to whom notice of the application is required to be sent by virtue of subsection (1)(b) above,
- and the administrator of the cathedral shall display in the prescribed manner a copy of the notice sent to the Chapter under this subsection.]

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops
- F22** S. 7(1)(a)(b) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 7(1), 20(3)**; 2007 No. 2, Instrument made by Archbishops
- F23** S. 7(3) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 7(2), 20(3)**; 2007 No. 2, Instrument made by Archbishops

## 8 Applications for approval of Cathedrals Fabric Commission.

- (1) Where any application is made by the [<sup>F2</sup>Chapter of a cathedral] for the approval of the Commission, the [<sup>F2</sup>administrator] shall—
- (a) display in the prescribed manner, and
  - (b) send to the fabric advisory committee, [<sup>F24</sup>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) of this Measure, [<sup>F24</sup>the administrator] shall also send such a notice to the local planning authority.
- [<sup>F25</sup>(1A) Following receipt of the notice referred to in subsection (1) above, 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.]



*Status: Point in time view as at 11/06/2008.*

*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)*

- (2) 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.
- [<sup>F26</sup>(2A) 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) above 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 Commissioners and the Commissioners shall give such advice as they consider appropriate.
- (2B) 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) above the Commission may request the Chapter of the cathedral to—
- (a) consult the Council of the cathedral if it has not already done so; and
  - (b) inform the Commission of the Council's views on the proposal.
- (2C) 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.]
- (3) The secretary of the Commission shall send notice of the Commission's decision—
- (a) to the [<sup>F2</sup>Chapter of the cathedral],
  - (b) to the fabric advisory committee,
  - (c) to [<sup>F27</sup>English Heritage],
  - (d) to the national amenity societies (or such person as those societies may jointly appoint for the purposes of this section), and
  - [<sup>F28</sup>(e) if the decision relates to a proposal of a kind described in section 2(1)(a) above, to the local planning authority,]
  - [<sup>F29</sup>(f) if the Commission has consulted the Church Commissioners on the proposal under subsection (2A) above, to the Church Commissioners,]
- and the [<sup>F2</sup>administrator] shall display in the prescribed manner a copy of the notice sent to the [<sup>F2</sup>Chapter] under this subsection <sup>F30</sup>....
- [<sup>F31</sup>(4) This section shall apply in relation to an application for approval in pursuance of section 2(3) above as it applies in relation to an application for approval of a proposal.]

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 3 para. 10](#)); 2007 No. 2, Instrument made by Archbishops
- F24** Words in s. 8(1) and s. 8(1)(b) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), ss. 8\(1\), 20\(3\)](#); 2007 No. 2, Instrument made by Archbishops
- F25** S. 8(1A) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), ss. 8\(2\), 20\(3\)](#); 2007 No. 2, Instrument made by Archbishops
- F26** S. 8(2A)-(2C) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), ss. 8\(3\), 20\(3\)](#); 2007 No. 2, Instrument made by Archbishops
- F27** Words in s. 8(3)(c) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), ss. 8\(4\)\(a\), 20\(3\)](#); 2006 No. 1, Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

*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)*

- F28** S. 8(3)(e) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 8(4)(b)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F29** S. 8(3)(f) added (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 8(4)(c)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F30** Words in s. 8(3) omitted (1.1.2008) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 8(4)(d)**, 20(3); 2007 No. 2, Instrument made by Archbishops
- F31** S. 8(4) inserted (1.10.1994) by [1994 No. 2](#), **s. 7(5)**; Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

## *Appeals*

### 9 Appeals to Cathedrals Fabric Commission.

- (1) Where, on an application made by the [<sup>F2</sup>Chapter] for the approval of the fabric advisory committee, approval is refused or is given subject to conditions, the [<sup>F2</sup>Chapter] may within the prescribed period appeal to the Commission.
- (2) Where, on an application made by the [<sup>F2</sup>Chapter] for the approval of the fabric advisory committee, the application is not determined by the fabric advisory committee within the period of three months immediately following the making of the application, the [<sup>F2</sup>Chapter] may, by notice given within the prescribed period to the Commission, request that the application be dealt with by the Commission.
- (3) The Commission, on considering an appeal under subsection (1) above may reverse, confirm or vary the decision of the fabric advisory committee or any part thereof.
- (4) The Commission, on dealing with an application for approval under subsection (2) above, shall, after considering any representations made to the fabric advisory committee under section 7 of this Measure, 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 any such determination shall have effect as if it had been given by the fabric advisory committee.

#### Textual Amendments

- F2** Words in Measure substituted by [1999 No. 1](#), s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops

### 10 Commission of Review.

- (1) Where—
  - (a) on an application for approval made to the Commission (including an application being dealt with by the Commission under section 9(2) of this Measure), the Commission refuses to give its approval or gives approval subject to conditions, or
  - (b) on an appeal to the Commission under section 9(1) of this Measure, the Commission refuses to give its approval or refuses to reverse or vary conditions subject to which approval was given by the fabric advisory committee,

*Status: Point in time view as at 11/06/2008.*

*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)*

- the [<sup>F2</sup>Chapter] may, by notice given within the prescribed period to the registrar of the province in which the cathedral church is situated, request that the decision of the Commission be reviewed by a Commission of Review constituted under this section.
- (2) Where, on an application for approval made to the Commission (including an application being dealt with by the Commission under section 9(2) of this Measure) or on an appeal to the Commission under section 9(1) of this Measure, the application or appeal is not determined by the Commission within the period of three months immediately following the end of the period prescribed for the purposes of section 8 or section 9(1) or (2), as the case may be, the [<sup>F2</sup>Chapter] may, by notice given within the prescribed period to the registrar of the province in which the cathedral church is situated, request that the application or appeal be dealt with by a Commission of Review constituted under this section.
- (3) A Commission of Review shall be constituted of—
- (a) the Dean of Arches and Auditor or a person appointed by him, being a person who is qualified under section 3(3) of the Ecclesiastical Jurisdiction Measure 1963 to be appointed Dean of the Arches and Auditor;
  - (b) one person appointed by the Archbishops of Canterbury and York, being a person who is or has been a dean, provost or residentiary canon of a cathedral church other than the cathedral church to which the application or appeal relates; and
  - (c) one person appointed by the Secretary of State for the Environment, being a person who has special knowledge of the architecture, archaeology, art (including history of art) or history of cathedral churches;
- but no person who has been a member of the Cathedrals Fabric Commission at any time during the preceding five years shall be appointed under paragraph (b) or (c) above.
- (4) A Commission of Review, on reviewing a decision of the Cathedrals Fabric Commission, may reverse, confirm or vary that decision or any part thereof.
- (5) A Commission of Review, on dealing with an application for approval under subsection (2) above, shall, after considering any representations made to the Commission under section 8 of this Measure, determine whether to give its approval <sup>F32</sup> . . . , either unconditionally or subject to such conditions as it may specify, or whether to refuse to give its approval; and any such determination shall have effect as if it had been given by the Commission.
- (6) A Commission of Review, on dealing with an appeal under subsection (2) above, may reverse, confirm or vary the decision of the fabric advisory committee or any part thereof.
- (7) The decision of a Commission of Review shall be final.

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\), s. 20\(3\), Sch. 3 para. 10](#)); 2007 No. 2, Instrument made by Archbishops
- F32** Words in s. 10(5) omitted (1.10.1994) by virtue of [1994 No. 2, s. 7\(6\)](#); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

*Status: Point in time view as at 11/06/2008.*

*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)*

### [<sup>F33</sup>10A Conditions applying to approval

- (1) Any approval given to an application under this Measure shall lapse at the expiry of the period of ten years from the date on which notice of the decision is given to the Chapter, provided that the body which gave the approval may extend that period by such period as it may specify.
- (2) As soon as possible after the completion of any work for which approval has been given, the administrator of the cathedral shall notify the fabric advisory committee or the Commission, as the case may be, of the date of the completion.
- (3) In subsection (1) above, the reference to the date on which notice of the decision is given shall, in the case of an appeal to the Commission under section 9(1) above or an application for review by a Commission of Review under section 10(1) above, be construed as a reference to the date on which notice of the decision of the Commission or, as the case may be, of the Commission of Review, is given to the Chapter.
- (4) Subsection (1) above shall apply to approvals given before the date of the coming into force of section 9 of the Care of Cathedrals (Amendment) Measure 2005 as if for the reference to ten years from the date referred to therein there were substituted a reference to ten years from the date of the coming into force of the said section 9.

#### Textual Amendments

**F33** Ss. 10A, 10B inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 9**, [20\(3\)](#); [2007 No. 2](#), Instrument made by Archbishops

### 10B Registers of applications

- (1) The Commission and any fabric advisory committee shall each keep a register, in the prescribed form, of applications for approval dealt with by them and shall make such arrangements as are prescribed—
  - (a) for inspection of the registers by any person;
  - (b) for the supply, on application by any person, of extracts of that part of the register which relates to an application for approval specified by that person;
  - (c) for enabling the Commission or a fabric advisory committee to supply, if it thinks fit, copies of the whole register or further parts of it, on application by any person.
- (2) The Commission or any fabric advisory committee may impose a fee of a reasonable amount for the supply of copies of or extracts from the register under subsection (1) above and the amount charged may vary according to the circumstances.]

#### Textual Amendments

**F33** Ss. 10A, 10B inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 9**, [20\(3\)](#); [2007 No. 2](#), Instrument made by Archbishops

### [<sup>F34</sup>10C Right of appeal by tenant

- (1) Where the Commission or a fabric advisory committee has refused approval for a proposal from a Chapter of a cathedral for the carrying out of works by a tenant

*Status: Point in time view as at 11/06/2008.*

*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)*

for which the Chapter's consent is required or given approval subject to conditions, the tenant may, whether or not the Chapter has appealed against the refusal or the imposition of conditions, or requested that the decision be reviewed by a Commission of Review, as the case may be, within the prescribed period, appeal to the Commission (against a decision of a fabric advisory committee) or request that a decision of the Commission be reviewed by a Commission of Review constituted under section 10 above.

- (2) A tenant who appeals or requests a review under subsection (1) above shall give written notice of the appeal or review to the Chapter.
- (3) The Chapter shall be entitled to appear at the proceedings on any appeal or review under subsection (1) above.
- (4) Sections 9(3) and 10(4) above shall apply to an appeal or review under subsection (1) above as they apply to an appeal or review under those sections.]

#### Textual Amendments

**F34** S. 10C inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 10, 20(3)**; [2007 No. 2](#), Instrument made by Archbishops

### *Miscellaneous and general*

## **11 Further powers of the Cathedrals Fabric Commission.**

- (1) The Commission may, on receiving a request from the Council for the Care of Churches, give advice to the Council with respect to works which are proposed to be carried out in relation to a church of the Church of England which is not a cathedral church.
- (2) The Commission—
  - (a) may, on receiving a request made with the approval of the Representative Body of the Church in Wales, give advice with respect to works which are proposed to be carried out in relation to a cathedral church in Wales; and
  - (b) may in exceptional circumstances, with the agreement of the governing body of the Church concerned and of [<sup>F35</sup>the Archbishops' Council], give advice in relation to works which are proposed to be carried out in relation to a cathedral church other than a cathedral church of the Church of England or the Church in Wales;but it shall be a condition of giving any advice by virtue of this subsection that any expenses incurred by the Commission in giving that advice are reimbursed.
- (3) The Commission shall have power to exercise any functions in relation to moneys held by any other body or person for the benefit of cathedral churches generally, being functions delegated to it by that body or person.
- (4) For the purpose of exercising its functions under this Measure the Commission—
  - (a) may acquire books, plans, drawings, photographs and other material relating to cathedral churches; and
  - (b) may from time to time hold conferences for cathedral clergy and staff, cathedral architects [<sup>F36</sup>or surveyors of the fabric], [<sup>F37</sup>cathedral

*Status: Point in time view as at 11/06/2008.*

*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)*

archaeologists] and others concerned with the care, conservation and maintenance of cathedral churches.

#### Textual Amendments

- F35** Words in s. 11(2) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 2](#); 2007 No. 2, Instrument made by Archbishops
- F36** Words in s. 11(4) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 3](#); 2007 No. 2, Instrument made by Archbishops
- F37** Words in s. 11(4) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 3](#); 2007 No. 2, Instrument made by Archbishops

### [<sup>F38</sup>11A General duties of approval bodies

The Commission, any fabric advisory committee and any Commission of Review shall, without prejudice to the duty conferred upon them by section 1 above, in exercising any function conferred upon them by the preceding sections of this Measure, have due regard to the desirability of preserving—

- (a) the fabric of the cathedral church and any features of architectural, archaeological, artistic or historic interest which it possesses;
- (b) the immediate setting of the cathedral church;
- (c) any building within the precinct of the cathedral church of architectural, archaeological, artistic or historic interest;
- (d) any archaeological remains within the precinct of the cathedral church; and
- (e) any objects referred to in section 2(1)(b) above.]

#### Textual Amendments

- F38** S. 11A inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), [ss. 11](#), 20(3); 2007 No. 2, Instrument made by Archbishops

### 12 [<sup>F39</sup>Provisions as to cathedral architects or surveyors of the fabric and cathedral archaeologists.]

- (1) It shall be the duty of the [<sup>F2</sup>Chapter of a cathedral ] to consult the Commission before appointing a cathedral architect [<sup>F40</sup>or surveyor of the fabric].
- (2) It shall be the duty of the [<sup>F2</sup>Chapter of a cathedral][<sup>F41</sup>after consulting the Commission to appoint a cathedral archaeologist], except in any case in which the Commission notifies the [<sup>F2</sup>Chapter] that in the view of the Commission the archaeological significance of that cathedral church does not justify such an appointment.

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 10](#)); 2007 No. 2, Instrument made by Archbishops
- F39** S. 12 headnote substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), [ss. 12\(3\)](#), 20(3); 2007 No. 2, Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

*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)*

- F40** Words in s. 12(1) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), ss. [12\(1\)](#), [20\(3\)](#); [2006 No. 1](#), Instrument made by Archbishops
- F41** Words in s. 12(2) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), ss. [12\(2\)](#), [20\(3\)](#); [2007 No. 2](#), Instrument made by Archbishops

### 13 Inventories, etc.

- <sup>F42</sup>(1) It shall be the duty of the Chapter of a cathedral to compile and maintain an inventory of all objects the property in which is vested in the corporate body or which are in the possession or custody of the corporate body or to whose possession or custody the corporate body is entitled which the fabric advisory committee considers to be of architectural, archaeological, artistic or historic interest in accordance with rules made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1).
- (1A) The compilation of the inventory under subsection (1) above shall be completed within such period as the Commission, after consultation with the Chapter and the fabric advisory committee, determines, being such period as it considers reasonable, having regard to the particular circumstances of each case, and different periods may be specified by the Commission for different parts of the inventory.
- (1B) The Chapter shall make an annual report to the fabric advisory committee on the contents of the inventory or on progress made in compiling the inventory, which shall, in particular, certify the accuracy of the inventory or any part of it which has been compiled and describe any alterations which have been made to the inventory during the twelve months preceding the report.
- (1C) The first annual report required by subsection (1B) above shall be made within the period of twelve months beginning with the date of the coming into force of section 13 of the Care of Cathedrals (Amendment) Measure 2005.]
- (2) It shall be the duty of the fabric advisory committee of a cathedral church to designate those objects included in the inventory compiled and maintained for the cathedral church under subsection (1) above which the committee considers, after consultation with the Commission, to be of outstanding architectural, archaeological, artistic or historic interest.
- (3) It shall be the duty of the <sup>F2</sup>Chapter of a cathedral ] to prepare a plan indicating the extent of the land surrounding the cathedral church of which the fee simple is vested in the <sup>F43</sup>corporate body] and to complete the preparation of that plan before the expiration of the period of two years beginning with the date on which this section comes into force, and the <sup>F2</sup>administrator] shall send the plan to the Commission.
- (4) On receiving a plan prepared by the <sup>F2</sup>Chapter] under subsection (3) above, the Commission shall, after consultation with the <sup>F2</sup>Chapter], indicate thereon the precinct of the cathedral church for the purposes of this Measure <sup>F44</sup>which shall consist of so much of the land referred to in subsection (3) above as, in the opinion of the Commission, is necessary to preserve or protect the architectural, archaeological, artistic or historic character of the cathedral church and of any buildings of architectural, archaeological, artistic or historic interest associated with it and of any archaeological remains associated with or situated in, under or near to the cathedral church or any such buildings and the setting of the cathedral church and any such buildings and remains; and in implementing the requirements of this subsection

*Status: Point in time view as at 11/06/2008.*

*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)*

the Commission shall have regard to the context in which the cathedral church and any such buildings have developed over time].

- [<sup>F45</sup>(5) The Chapter shall keep the plan prepared under subsection (3) above up to date and shall notify the Commission of any changes made to it, whereupon the Commission shall, after consultation with the Chapter, make any alterations to the precinct indicated on the plan which it considers appropriate, having regard to subsection (4) above.
- (6) The Commission may, after consultation with the Chapter, make such alterations to the precinct indicated on the plan prepared under subsection (3) above as it considers appropriate, having regard to subsection (4) above.]

#### Textual Amendments

- F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops
- F42** S. 13(1)-(1C) substituted (1.1.2008) for s. 13(1) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 13(1), 20(3)**; 2007 No. 2, Instrument made by Archbishops
- F43** Words in s. 13(3) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 13(2), 20(3)**; 2007 No. 2, Instrument made by Archbishops
- F44** Words in s. 13(4) added (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 13(3), 20(3)**; 2007 No. 2, Instrument made by Archbishops
- F45** S. 13(5)(6) added (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 13(4), 20(3)**; 2007 No. 2, Instrument made by Archbishops

#### [<sup>F46</sup>14 Reports and inspections by cathedral architects or surveyors of the fabric

- (1) Subject to subsection (3) below, it shall be the duty of the Chapter of a cathedral to arrange during the period of five years beginning with the date on which this section comes into force and during every subsequent period of five years, for the cathedral architect or surveyor of the fabric, in consultation with the cathedral archaeologist (if any), to make a report in writing to the Chapter on any works which the architect or surveyor of the fabric considers will need to be carried out in relation to the cathedral church and any ancillary building and on the urgency with which the architect or surveyor of the fabric considers that they should be carried out; and a copy of that report shall be sent to the Commission.
- (2) Subject to subsection (3) below, the reports referred to in subsection (1) above shall be based upon such inspection or inspections of the fabric of the cathedral church and any ancillary building as the cathedral architect or surveyor of the fabric considers necessary to enable the architect or surveyor of the fabric to fulfil the requirements of subsection (1) above.
- (3) The first report referred to in subsection (1) above made by a cathedral architect or surveyor of the fabric appointed after the date of the coming into force of section 14 of the Care of Cathedrals (Amendment) Measure 2005 shall be based on a full and detailed inspection of the cathedral church and any ancillary building and shall be made within the period of two years beginning with the date of the appointment.
- (4) In its application to a cathedral architect or surveyor of the fabric appointed after the first date referred to in subsection (3) above, subsection (1) above shall have effect so that the second and subsequent reports of the architect or surveyor of the fabric shall



*Status: Point in time view as at 11/06/2008.*

*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)*

be made during the period of five years beginning with the date of the first report and every subsequent period of five years.

- (5) The cathedral architect or surveyor of the fabric shall, within the period of twelve months beginning with the date of the coming into force of section 14 of the Care of Cathedrals (Amendment) Measure 2005 and annually thereafter make, in consultation with the architect or surveyor appointed under section 20 of the Cathedrals Measure 1999 (if a different person) and the cathedral archaeologist (if any), a report in writing to the Chapter containing a summary of any works to the cathedral church and any ancillary building carried out during the preceding year, an account of progress made in giving effect to the recommendations made in the reports referred to in subsection (1) above and any other matters which the cathedral architect or surveyor of the fabric considers to be relevant to the care and conservation of the cathedral church.
- (6) In this section “ ancillary building ” means any building which the Chapter may from time to time specify, being a building attached to or adjacent to the cathedral church and used for purposes ancillary to the use of the cathedral church, but excluding any building used wholly or mainly for residential purposes. ]

#### Textual Amendments

**F46** S. 14 substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 14, 20(3)**; [2007 No. 2](#), Instrument made by Archbishops

#### [<sup>F47</sup>14A Reports by cathedral archaeologists

- (1) It shall be the duty of the Chapter of a cathedral which has appointed a cathedral archaeologist to arrange, within the period of two years beginning with the date of the coming into force of section 15 of the Care of Cathedrals (Amendment) Measure 2005 for the cathedral archaeologist to assess those matters of archaeological interest which relate to the cathedral church and its precinct, including buildings and remains within the precinct and, in consultation with the cathedral architect or surveyor of the fabric and the architect or surveyor appointed under section 20 of the Cathedrals Measure 1999 (if a different person), to make a report in writing to the Chapter containing recommendations on how those matters should be managed, and on the compilation and maintenance of archaeological records relating thereto; and a copy of the report shall be sent to the Commission.
- (2) The cathedral archaeologist shall, within the period of twelve months beginning with the date of the coming into force of section 15 of the Care of Cathedrals (Amendment) Measure 2005 and annually thereafter, make in consultation with the persons referred to in subsection (1) above a report to the Chapter containing an account of progress made in fulfilling the recommendations of the report (if made) referred to in subsection (1) above and any other matters which the archaeologist considers to be relevant to the archaeological interest of the cathedral church and its precinct.

#### Textual Amendments

**F47** Ss. 14A, 14B inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 15, 20(3)**; [2007 No. 2](#), Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

*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)*

**14B Maintenance of records**

The cathedral architect or surveyor of the fabric and the cathedral archaeologist (if any) shall each, in consultation with the architect or surveyor appointed under section 20 of the Cathedrals Measure 1999 (if a person other than the cathedral architect or surveyor of the fabric) include in the annual report required to be made to the Chapter under section 14(5) or 14A(2) above advice as to those works carried out in the previous year of which a permanent record should in the opinion of the cathedral architect or surveyor of the fabric or cathedral archaeologist be maintained and it shall be the duty of the Chapter—

- (a) to have regard to that advice and, pursuant thereto, to make and maintain appropriate permanent records of any such works; and
- (b) during the period of five years beginning with the date of the coming into force of section 15 of the Care of Cathedrals (Amendment) Measure 2005 and during every subsequent period of five years, to make a report in writing to the fabric advisory committee of the records made under paragraph (a) above and on the arrangements for maintaining those records and to send a copy of the report to the Commission.]

**Textual Amendments**

**F47** Ss. 14A, 14B inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), **ss. 15, 20(3)**; [2007 No. 2](#), Instrument made by Archbishops

**15 Applications for listed building or scheduled monument consent.**

Where the [<sup>F2</sup>Chapter] of a cathedral church proposes to make any application for—

- (a) listed building consent under section 55 of the Town and Country Planning Act 1971, or
- (b) scheduled monument consent under section 2 of the Ancient Monuments and Archaeological Areas Act 1979,

in respect of any building or monument within the precinct of the cathedral church, the [<sup>F2</sup>administrator] shall send to the Commission a notice stating that representations in writing with respect to the proposed application may be sent to him before the end of the prescribed period.

**Textual Amendments**

**F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), **Sch. 3 para. 10**); [2007 No. 2](#), Instrument made by Archbishops

<sup>F48</sup>**16** .....  
.....

*Status: Point in time view as at 11/06/2008.*

*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)*

**Textual Amendments**

**F48** S. 16 repealed (Provinces of Canterbury and York except C.I. and I. of M.) (1.3.1993) by Measure 1991 No. 1, s. 32(2), **Sch.8**; Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.

**17 Saving.**

Nothing in this Measure shall dispense with any consent or approval which is required by or under the constitution and statutes of a cathedral church for anything done by the [<sup>F2</sup>Chapter] of that cathedral church.

**Textual Amendments**

**F2** Words in Measure substituted by 1999 No. 1, s. 36(1A) (as inserted (1.1.2008) by *Care of Cathedrals (Amendment) Measure 2005 (No. 2)*, s. 20(3), **Sch. 3 para. 10**); 2007 No. 2, Instrument made by Archbishops

<sup>F49</sup>**18 Power to exclude parish church cathedrals.**

.....

**Textual Amendments**

**F49** S. 18 repealed (1.1.2008) by *Care of Cathedrals (Amendment) Measure 2005 (No. 2)*, **ss. 16, 20(3)**; 2007 No. 2, Instrument made by Archbishops

**19 Notices.**

All notices required to be given under this Measure shall be in writing and shall be in the prescribed form.

**20 Interpretation.**

(1) In this Measure, unless the context otherwise requires—

[<sup>F50</sup> “administrator of the cathedral” means the person, by whatever name called, appointed under section 9(1)(e) of the Cathedrals Measure 1999; ]

<sup>F51</sup> ...

<sup>F51</sup> ...

“archaeological remains” means the remains of any building, work or artefact, including any trace or sign of the previous existence of the building, work or artefact in question;

“architect” means a person registered under the [<sup>F52</sup>Architects Act 1997];

[<sup>F53</sup> “building” includes any monument or other structure or erection and any part of a building as so defined and “fabric” shall be construed accordingly; ]

[<sup>F54</sup> “cathedral archaeologist” means the person appointed under section 12(2) above, by whatever name called, being a person who possesses

*Status: Point in time view as at 11/06/2008.*

*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)*

such qualifications and expertise in archaeological matters as the Commission may recognise as appropriate; ]

[<sup>F55</sup> “cathedral architect or surveyor of the fabric” means any architect or surveyor appointed by virtue of section 9(1)(f) of the Cathedrals Measure 1999 by whatever name called; ]

“cathedral church” means any cathedral church in the provinces of Canterbury and York, except—

- (a) the Cathedral Church of Christ in Oxford,
- (b) any cathedral church in the diocese of Sodor and Man or in the diocese in Europe<sup>F56</sup> ...

- (c) <sup>F56</sup> ...  
[<sup>F57</sup> “Chapter” means the body of that name established by section 2 of the Cathedrals Measure 1999; ]

<sup>F51</sup> ...

<sup>F51</sup> ...

“chartered building surveyor” means a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor;

[<sup>F58</sup> “corporate body” means the body established under section 9(1)(a) of the Cathedrals Measure 1999; ]

<sup>F59</sup> ...

[<sup>F60</sup> “English Heritage” means the Historic Buildings and Monuments Commission for England, known as English Heritage; ]

“Liturgical Commission” means the body so named at the passing of this Measure or any body subsequently exercising the functions of that body under a different name or with a different constitution;

“local planning authority” in relation to any area means the body exercising the functions of a local planning authority under section 55 of the<sup>M1</sup>Town and Country Planning Act 1971 in that area;

“national amenity societies” means the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings and the Victorian Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purpose of this Measure;

<sup>F51</sup> ...

“precinct” in relation to a cathedral church means the precinct for the time being indicated on the plan required for that cathedral church by section 13<sup>F61</sup> ... of this Measure;

“prescribed” means prescribed by rules made under [<sup>F62</sup>section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991];

<sup>F63</sup> ...

- (2) For the purposes of this Measure any object or structure permanently situated in [<sup>F64</sup>or affixed to] a cathedral church or any building within the precinct of a cathedral church shall be treated as part of that cathedral church or building [<sup>F64</sup>or of its fabric], as the case may be.
- (3) For the purposes of this Measure a building shall be treated as being used for ecclesiastical purposes if it would be so used but for any works proposed to be carried out in relation to it.

*Status: Point in time view as at 11/06/2008.*

*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)*

### Textual Amendments

- F50** Words in s. 20(1) inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(b\)](#); 2006 No. 1, Instrument made by Archbishops
- F51** Words in s. 20(1) omitted (1.1.2008) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(a\)](#); 2007 No. 2, Instrument made by Archbishops
- F52** S. 20(1): Words in definition of “architect” substituted (21.7.1997) by virtue of 1997 c. 22, [s. 26\(2\)](#) (with [Sch. 2](#)); [S.I. 1997/1672](#), [art. 2](#)
- F53** Words in s. 20(1) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(c\)](#); 2007 No. 2, Instrument made by Archbishops
- F54** Words in s. 20(1) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(d\)](#); 2007 No. 2, Instrument made by Archbishops
- F55** Words in s. 20(1) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(e\)](#); 2006 No. 1, Instrument made by Archbishops
- F56** Words in s. 20(1) omitted (1.1.2008) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(f\)](#); 2007 No. 2, Instrument made by Archbishops
- F57** Words in s. 20(1) inserted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(g\)](#); 2006 No. 1, Instrument made by Archbishops
- F58** Words in s. 20(1) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(h\)](#); 2007 No. 2, Instrument made by Archbishops
- F59** Words in s. 20(1) repealed (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), s. 66(2), [Sch. 7](#); 2007 No. 3, Instrument made by Archbishops
- F60** Words in s. 20(1) substituted (7.2.2006) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(i\)](#); 2006 No. 1, Instrument made by Archbishops
- F61** Words in s. 20(1) omitted (1.1.2008) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(j\)](#); 2007 No. 2, Instrument made by Archbishops
- F62** Words in s. 20(1) substituted (Provinces of Canterbury and York except C.I. and I. of M.) (1.3.1993) by [Measure 1991 No. 1](#), s. 32(1), [Sch. 7](#), para. 6; Instrument dated 16.2.1993 made by the Archbishops of Canterbury and York.
- F63** Words in s. 20(1) omitted (1.1.2008) by virtue of [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 4\(k\)](#); 2007 No. 2, Instrument made by Archbishops
- F64** Words in s. 20(2) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 5](#); 2007 No. 2, Instrument made by Archbishops

### Marginal Citations

- M1** 1971 c. 78.

## 21 Short title and commencement.

- (1) This Measure may be cited as the Care of Cathedrals Measure 1990.
- (2) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint, and different dates may be appointed for different provisions.

**Status:**

Point in time view as at 11/06/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Care of Cathedrals Measure 1990 (No. 2) (repealed).