Status: *Point in time view as at 07/02/2006.*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to legislation: *There are currently no known outstanding effects for the Care of Cathedrals (Amendment) Measure 2005 (repealed). (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 17

AMENDMENT OF SCHEDULE 1 TO THE CARE OF CATHEDRALS MEASURE 1990

PART 1

AMENDMENTS

1 Schedule 1 to the 1990 Measure shall be amended as follows.

Commencement Information
I1 Sch. 1 para. 1 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

2 In paragraph 2 the words "for Culture, Media and Sport" and the words "and provosts" shall be omitted.

Commencement Information
I2 Sch. 1 para. 2 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

3 In paragraph 3—

(a) in sub-paragraph (b) the words "and provosts" and "or provost" shall be omitted;

(b) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

"(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;";

(c) in sub-paragraph (d) for the words after "office" to the end there shall be substituted the words " 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 ";

(d) for sub-paragraph (e) there shall be substituted the following sub-paragraph—

"(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 appointed after consultation with the President of the Institution of Structural Engineers and the President of the Institution of

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Civil Engineers, being persons with experience of the care of historic buildings;"; and

(e) for sub-paragraph (g) there shall be substituted the following sub-paragraph—

"(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.".

Commencement Information

I3 Sch. 1 para. 3 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

4 After paragraph 3 there shall be inserted the following paragraph—

"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).".

Commencement Information

I4 Sch. 1 para. 4 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

5 In paragraph 6 for the words "the first day of March" there shall be substituted the words " the first day of May ".

Commencement Information

I5 Sch. 1 para. 5 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

6 In paragraph 7 after the word "reappointment" in both places where it occurs there shall be inserted the words " or re-election ", after the word "paragraph", where it first appears, there shall be inserted the words " or appointment under paragraph 7A below following re-election under this paragraph " and the words from "Provided that" to the end shall be omitted.

Commencement Information

I6 Sch. 1 para. 6 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

7 After paragraph 7 there shall be inserted the following paragraph—

"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.".

Commencement Information

I7 Sch. 1 para. 7 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

8 In paragraph 10 there shall be added at the end the words " ", but shall be eligible for re-appointment or re-election for one further 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 ".

Commencement Information

I8 Sch. 1 para. 8 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

VALID FROM 01/01/2008

9 After paragraph 14 there shall be inserted the following paragraph—

"14A The business of the Commission 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.".

VALID FROM 01/01/2008

10 In paragraph 16 there shall be added at the end the words " and may appoint a panel of not less than three members for the purpose of holding a public hearing on any matter specified by the Commission and reporting thereon to the Commission ".

VALID FROM 01/01/2008

11 After paragraph 16 there shall be inserted the following paragraph—

"16A Where the Commission is considering an appeal under section 9 or 10C above no member of the Commission who is also a member of the fabric advisory committee against whose decision the appeal is brought shall participate in the proceedings.".

PART 2

TRANSITIONAL PROVISION

12 Paragraph 3 above shall not affect the appointment of any member of the Commission holding office on the date of the coming into force of this Schedule or the validity of any proceedings of the Commission taking place after that date, but, otherwise, Part I of this Schedule shall apply to any member of the Commission, whether appointed or re-appointed or elected or re-elected before or after that date.

Commencement Information
I9 Sch. 1 para. 12 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

SCHEDULE 2

Section 18

AMENDMENT OF SCHEDULE 2 TO THE CARE OF CATHEDRALS MEASURE 1990

PART 1

AMENDMENTS

1 Schedule 2 to the 1990 Measure shall be amended as follows.

Commencement Information
I10 Sch. 2 para. 1 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

2 In paragraph 1(a) for the words after “Commission” to the end there shall be substituted the words “ not being members of the Chapter or persons who are employed or hold paid office in the cathedral ”.

Commencement Information
I11 Sch. 2 para. 2 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

3 For paragraph 3 there shall be substituted the following paragraph—

“3 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.”.

Commencement Information
I12 Sch. 2 para. 3 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

4 In paragraph 4 after the words "cathedral architect" there shall be inserted the words " or surveyor of the fabric " and for the words "archaeological consultant to the cathedral church" there shall be substituted the words " cathedral archaeologist ".

Commencement Information
I13 Sch. 2 para. 4 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

5 In paragraph 7 at the end there shall be added the following words " , 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 ".

Commencement Information
I14 Sch. 2 para. 5 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

6 In paragraph 8 for the words "chapter of the cathedral church" there shall be substituted the words " Chapter of the cathedral ".

Commencement Information
I15 Sch. 2 para. 6 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

7 In paragraph 9 after the word "may" there shall be inserted the words " after carrying out the like consultation as was required when the appointment was made ".

Commencement Information
I16 Sch. 2 para. 7 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

8 After paragraph 11 there shall be inserted the following paragraph—

"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.".

Commencement Information
I17 Sch. 2 para. 8 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

PART 2

TRANSITIONAL PROVISION

9 Paragraph 2 above shall not affect the appointment of any person holding office on the date of the coming into force of this Schedule.

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 (Amendment) Measure 2005 (repealed). (See end of Document for details)*

Commencement Information

I18 Sch. 2 para. 9 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

SCHEDULE 3

Section 19

OTHER AMENDMENTS

Care of Cathedrals Measure 1990

VALID FROM 01/01/2008

1 In section 10(3)(c) of the 1990 Measure the words "for Culture, Media and Sport" shall be omitted.

VALID FROM 01/01/2008

2 In section 11(2) of the 1990 Measure for the words "the Standing Committee of the General Synod" there shall be substituted the words " the Archbishops' Council ".

VALID FROM 01/01/2008

3 In section 11(4) of the 1990 Measure after the word "architects" there shall be inserted the words " or surveyors of the fabric " and for the words "archaeological consultants" there shall be substituted the words " cathedral archaeologists ".

4 Section 20(1) of the 1990 Measure shall be amended as follows—

(a) the definitions of "administrative body", "archaeological consultant", "chapter", "chapter clerk" and "parish church cathedral" shall be omitted;

(b) at the beginning there shall be inserted the following definition—

""administrator of the cathedral" means the person, by whatever name called, appointed under section 9(1)(e) of the Cathedrals Measure 1999;";

(c) for the definition of "building" there shall be substituted the following definition—

""building" includes any monument or other structure or erection and any part of a building as so defined and "fabric" shall be construed accordingly;";

(d) after the definition of "building" there shall be inserted the following definition—

""cathedral archaeologist" means the person appointed under section 12(2) above, by whatever name called, being a person

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who possesses such qualifications and expertise in archaeological matters as the Commission may recognise as appropriate;";

(e) for the definition of "cathedral architect" there shall be substituted the following definition—

""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;";

(f) in the definition of "cathedral church" paragraph (c) and the word "and" immediately preceding that paragraph shall be omitted;

(g) after the definition of "cathedral church" there shall be inserted the following definition—

""Chapter" means the body of that name established by section 2 of the Cathedrals Measure 1999;";

(h) after the definition of "chartered building surveyor" there shall be inserted the following definition—

""corporate body" means the body established under section 9(1)(a) of the Cathedrals Measure 1999;";

(i) for the definition of "the Historic Buildings and Monuments Commission" there shall be substituted the following definition—

""English Heritage" means the Historic Buildings and Monuments Commission for England, known as English Heritage;"

(j) in the definition of "precinct" the words "(3) and (4)" shall be omitted; and

(k) the definition of "the Standing Committee" shall be omitted.

Commencement Information

I19 Sch. 3 para. 4(b)(e)(g)(i) in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

VALID FROM 01/01/2008

5 In section 20(2) of the 1990 Measure, after the words "situated in" there shall be inserted the words " or affixed to " and after the word "building", in the second place where it occurs, there shall be inserted the words " or of its fabric ".

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

6 Section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No.1)shall be amended as follows—

(a) in section 25(1), for the word "six" there shall be substituted the word " eleven ";

(b) in section 25(2)(b)(ii), for the words "one person" there shall be substituted the words " three persons " and for the words "a person" there shall be substituted the word " persons "; and

(c) after section 25(2)(b)(ii), there shall be added the following sub-paragraph—

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 (Amendment) Measure 2005 (repealed). (See end of Document for details)*

"(iii) three persons nominated by the Association of English Cathedrals;".

Commencement Information

I20 Sch. 3 para. 6 in force at 6.6.2005 by 2005 No. 4, Instrument made by Archbishops

Cathedrals Measure 1999

7 (1) Section 9 of the Cathedrals Measure 1999 (1999 No.1) ("the 1999 Measure") shall be amended as follows—

(a) in subsection (1)(f) after the word "architect" there shall be inserted the words " or surveyor of the fabric "; and

(b) after subsection (1) there shall be inserted the following subsection—

"(1A) The constitution of each cathedral shall provide that the architect or surveyor of the fabric appointed by virtue of subsection (1)(f) above shall be an architect or surveyor having such qualifications and expertise in matters relating to the conservation of historic buildings and other matters as the Chapter, after consultation with the Cathedrals Fabric Commission and such other persons or bodies as it thinks fit, considers appropriate to enable the role and duties of the post of architect or surveyor of the fabric to be discharged.".

(2) Until the constitution of any cathedral has made provision as required by sub-paragraph (1) above, the Chapter shall proceed as if the constitution of the cathedral had made such provision.

Commencement Information

I21 Sch. 3 para. 7 in force at 7.2.2006 by 2006 No. 1, Instrument made by Archbishops

VALID FROM 01/01/2008

8 In section 20(1) of the 1999 Measure—

(a) after the word "cathedral", in the second place where it occurs, there shall be inserted the words " and any ancillary building within the meaning of section 14(6) of the Care of Cathedrals Measure 1990 "; and

(b) for the words from "works" to the end there shall be substituted the words " any works which the architect or surveyor considers will need to be carried out in relation to that property and of the urgency with which the architect or surveyor considers that they should be carried out ".

VALID FROM 01/01/2008

9 In section 20(2) of the 1999 Measure, for the words "archaeological consultant of the cathedral (if any)" there shall be substituted the words " cathedral archaeologist (if any) appointed under section 12(2) of the Care of Cathedrals Measure 1990 ".

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 (Amendment) Measure 2005 (repealed). (See end of Document for details)*

VALID FROM 01/01/2008

10 In section 36(1) of the 1999 Measure after the word "enactment" there shall be inserted the words " except the Care of Cathedrals Measure 1990 and the Care of Cathedrals (Supplementary Provisions) Measure 1994 " and after subsection (1) there shall be inserted the following subsection—

"(1A) In the Care of Cathedrals Measure 1990 and the Care of Cathedrals (Supplementary Provisions) Measure 1994—

(a) for the words "administrative body", "administrative body of a cathedral church", "administrative body of the cathedral church", "administrative body of every cathedral church" and "administrative bodies of cathedrals churches", in each case where they appear, there shall be substituted, respectively, the words " Chapter ", " Chapter of a cathedral ", " Chapter of the cathedral ", " Chapter of every cathedral " and " Chapters of cathedrals "; and

(b) for the words "chapter clerk", in each case where they appear, there shall be substituted the word " administrator ".".

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 (Amendment) Measure 2005 (repealed).