



# Care of Cathedrals (Amendment) Measure 2005

2005 No. 2

## **5 Body to which application for approval to be made**

- (1) Section 6(1)(a) of the 1990 Measure shall be amended as follows—
  - (a) in sub-paragraph (i), after “works” there shall be inserted the words “, including works of repair or maintenance,”; and
  - (b) in sub-paragraph (iv), after the words “disposal of” there shall be inserted the words “or the carrying out of any work to”.
- (2) In section 6(1) of the 1990 Measure, after the words “any other proposal” there shall be inserted the words “other than an application under section 6A(4)(a) below”.
- (3) After section 6(2) of the 1990 Measure, there shall be inserted the following subsections—
  - “(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—

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*Status: This is the original version (as it was originally enacted).*

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- (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;
- (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).”.

(4) In section 6(4) of the 1990 Measure for the words “this Measure” there shall be substituted the words “section 26 of the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(1991 No. 1\)](#)”.