



Care of Cathedrals Measure 2011

2011 No. 1

PART 2

APPROVAL FOR WORKS TO CATHEDRALS AND APPROVAL BODIES

Appeals

11 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 10(2)), the Commission refuses to give its approval or gives approval subject to conditions, or

[^{F1}(aa) the Commission decides to exercise, or not to exercise, the power under section 9(7A) to vary or revoke an approval or a condition of an approval, or]

(b) on an appeal to the Commission under section 10(1), 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, [^{F2}or

(c) on an appeal to the Commission under section 10(1A), the Commission refuses to reverse or vary a decision or any part of a decision by the fabric advisory committee to exercise, or not to exercise, the power under section 8(4) to vary or revoke an approval or a condition of an approval,]

the 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 10(2) or on an appeal to the Commission under section 10(1)), the application or appeal is not determined by the Commission within the period of 3 months immediately following the end of the period prescribed for the purposes of section 9 or 10(1) or (2), as the case may be, the Chapter may, by notice given within the prescribed period to the registrar of

Changes to legislation: Care of Cathedrals Measure 2011, Section 11 is up to date with all changes known to be in force on or before 30 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 the Arches and Auditor or a person appointed by him or her, being a person who is qualified under [F³section 10 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] 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, 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 5 years shall be appointed under paragraph (b) or (c).

[F⁴(3A) The reference in subsection (3)(b) to a person who is or has been a residentiary canon of a cathedral church includes a reference to a person who is or has been a lay residentiary canon of the cathedral.]

- (4) A Commission of Review, on reviewing a decision of the Cathedrals Fabric Commission, may reverse, confirm or vary that decision or any part of it.
- (5) A Commission of Review, on dealing with an application for approval under subsection (2), shall, after considering any representations made to the Commission under section 9, determine whether to give its approval either unconditionally or subject to such conditions as it may specify, or whether to refuse to give its approval, and any such determination shall, subject to subsection (7), have effect as if it had been given by the Commission.
- (6) A Commission of Review, on dealing with an appeal under subsection (2), may reverse, confirm or vary the decision of the fabric advisory committee or any part of it.
- (7) The decision of a Commission of Review shall be final.

Textual Amendments

- F1** S. 11(1)(aa) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 5(5)**, 16(3); S.I. 2020/835, art. 2
- F2** S. 11(1)(c) and word inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 5(6)**, 16(3); S.I. 2020/835, art. 2
- F3** Words in s. 11(3)(a) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 1 para. 26** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F4** S. 11(3A) inserted (coming into force in accordance with s. 22(3) of the amending Measure) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **Sch. 1 para. 9**

Commencement Information

- I1** S. 11 in force at 1.9.2011 by 2011 No. 2, **art. 2**

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 2(1)(ba) and word inserted by [2024 No. 1 s. 15\(1\)](#)