

GENERAL SYNOD

REVIEW OF THE CARE OF CATHEDRALS MEASURE

**REPORT OF THE FOLLOW-UP GROUP AND EXPLANATORY
MEMORANDUM ON THE DRAFT CARE OF CATHEDRALS
(AMENDMENT) MEASURE (GS 1429)**

PART A: INTRODUCTION

1. At the July 2001 Group of Sessions the General Synod debated the Report of the Review Group on the Care of Cathedrals Measure (GS 1417) ("the Report") and passed the following motions:-

“That the Synod do take note of this Report.”

“That this Synod:

(a) approve the recommendations summarised on pages 57 to 72 of the Report; and

(b) instruct the Business Committee to introduce a draft Measure to give effect to those recommendations referred to in paragraph (a) above which require legislation by the Synod.”

2. The Follow-Up Group ("the Group") was appointed to take forward paragraph (b) of the second of those motions, by preparing a draft Measure for introduction into the Synod. Its membership, which unlike that of the Review Group has been drawn entirely from members of the Synod, is as follows:-

Mrs Janet Atkinson (Durham) (Chairman)
The Revd Canon David Isaac (Portsmouth)
Dr Edmund Marshall (Wakefield)
Mr Tony Redman (St Edmundsbury and Ipswich)
The Dean of Southwark (the Very Revd Colin Slee).

It has been assisted by the following consultants:-

Mr Keith Bamber (Receiver General, Winchester Cathedral – Chairman of the Cathedrals Administration and Finance Association); and

Mr Colin Pordham (Chapter Clerk, Norwich Cathedral – nominated by the Ecclesiastical Law Association)

as well as by Dr Richard Gem, the Secretary of the Cathedrals Fabric Commission for England ("the CFCE")

3. The Report was put to the General Synod on the basis that further consideration could be given to matters of detail at the stage when the legislation was being drafted, and the Group approached its task along those lines. On the other hand, the Group was aware that the Business Committee's provisional forward programme for legislation envisaged bringing the draft Measure to the Synod for its First Consideration Stage at the November 2001 Group of Sessions. This left the Group with a very tight timetable for its work, which was one of the considerations it took into account in deciding that it was not in a position to deal fully with certain issues and that, if the Synod passed the First Consideration motion, those questions were best left for detailed consideration by the Revision Committee (please see paragraphs 5 to 8 and 15(b) below).

PART B – THE GROUP'S WORK

4. For convenience, the present report divides the issues which the Group considered in producing a draft Measure into two categories:-
 - (I) matters raised in the debate on the Report in the General Synod at the July 2001 Group of Sessions which related to the proposed legislation, or raised in subsequent correspondence; and
 - (II) issues (other than those under (a) above) on which the Report itself envisaged that further work would be necessary before the First Consideration Stage of the draft Measure, or which arose in the course of the drafting process.

In the following paragraphs, references to individual paragraphs in the Report appear in italics.

I. ISSUES RAISED IN THE SYNOD IN JULY 2001 OR IN SUBSEQUENT CORRESPONDENCE

Chartered Surveyors

5. In the debate on the Report, a speech by Mr Tony Redman (St Edmundsbury & Ipswich) (who subsequently became a member of the Group) dealt, in particular, with the desirability of using the skills of chartered surveyors as well as those of architects as effectively as possible in the care of cathedrals. In that connection, Mr Redman's speech related to *paragraph 76* of the Report, which set out the Review Group's reasons for rejecting a submission that the cathedral should be able to appoint a chartered building surveyor instead of a qualified architect to carry out the functions of the "cathedral architect". Mr Redman also regretted the loss of the term "Surveyor of the Fabric" in the Cathedrals Measure 1999 ("the 1999 Measure"). The issues regarding chartered surveyors were followed up by a written submission to the Group from the Royal Institution of Chartered Surveyors ("the RICS").
6. On the question of the use of surveyors, the Group was informed that section 9(1)(f) of the 1999 Measure, like its predecessor in section 10(1)(k) of the Cathedrals Measure 1963, required a cathedral's constitution to provide for the appointment of an architect for the cathedral. This person had to be registered under the legislation on architects, and was the "cathedral architect" under the 1990 Measure, which also required the Chapter to consult the CFCE before appointing him or her. However, section 20(1) of the 1990 Measure and section 11(a) of the 1999 Measure made it possible for the statutes of an individual cathedral to use the title "Surveyor of the Fabric" (or some other title) for the architect if the cathedral wished, and the Report did not envisage any change in that (compare *paragraph 101*).
7. The Group took the view that the question of giving suitably qualified surveyors a greater role in the care of the cathedral was an important one. However, in the light of the submissions from Mr Redman and the RICS, the Group as a whole agreed with Mr Redman that what was needed was more extensive consultation with the relevant professional bodies, and a careful evaluation of the arguments which they and individual professional people working for cathedrals were putting forward. The Group also noted that, as a result of the change in the law made by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 ("the 1991 Measure") to allow chartered building surveyors to undertake quinquennial inspections for parish churches, at least one other professional body was pressing for the same rights, and it or other professional associations might wish to do the same in relation to cathedrals.

8. On that basis, the Group considered that it did not have the time or the necessary information to reach a fully considered decision on these issues. The Group therefore concluded that, if the Measure passed its First Consideration Stage, they should be examined fully at the Revision Committee Stage, and it recommends that the future Steering Committee for the Measure should take the initiative in raising them there.

Objects of outstanding interest

9. The Archdeacon of Durham, the Ven Trevor Willmott, spoke in the July 2001 debate on the need for a common standard for designating objects as being of “outstanding “ interest. The Group was informed that the CFCE had produced guidance for cathedrals on this (which was something the Archdeacon's speech indicated he would welcome,) and that the CFCE would inform him of the position.. In the Group's view it was more appropriate to deal with matters of this kind by guidance than to use detailed and prescriptive legislation.

Secretary of FAC

10. The Archdeacon of Durham also expressed concern at the recommendation in *paragraph 130* of the Report that any member of the Chapter should be disqualified from serving as secretary of the fabric advisory committee ("FAC"). He pointed out that this would preclude a cathedral administrator who was also a member of the Chapter under the cathedral's constitution from being the FAC secretary, while a cathedral administrator who was not a member of the Chapter would be in a different position.
11. The Group looked again at the Review Group's work on this, and noted that the reason for the Review Group's recommendation was, as the Archdeacon had supposed, concern at the potential for a conflict of interest. Nevertheless, the Group accepted the Archdeacon's contention that there were circumstances in which such an appointment could work satisfactorily and could indeed be beneficial to the cathedral, so that it was not essential to have an absolute bar on a member of the Chapter being the FAC secretary. However, the Group decided that the draft Measure should require a FAC which was considering the possibility of appointing a member of the Chapter, or indeed any employee or person holding paid office in the cathedral, as its secretary, to have particular regard to whether there was any conflict of interest which would make that appointment inappropriate.

Need for flexibility

12. Mr Redman's speech also stressed the need for flexibility, particularly in view of financial constraints, and asked for the possibility of removing some provisions from the existing legislation to be explored. The Group as a whole endorsed the general thrust of Mr Redman's remarks, but as he had not yet identified any provisions that might be deleted it did not feel able to take any definite steps in that direction. Its hope was that anyone who did have specific proposals would bring them to the Revision Committee.

Consultation over disposal of objects of outstanding interest

13. In correspondence after the July 2001 debate, Mrs Penny Granger (Ely) asked the Group to include a mandatory provision in the draft Measure requiring the Chapter to consult the Cathedral Council on any proposed sale or disposal of outstanding objects. The Review Group had considered this at *paragraph 65* of the Report and concluded that such consultation would be good practice, but did not wish to include any specific provisions in the new Measure which would affect the responsibilities of the Chapter, or the carefully worked-out relationship between the Chapter and the Council, under the 1999 Measure.
14. Mrs Granger considered that if Cathedral Councils were to be consulted, something stronger than a statement as to good practice would be needed. However, the Group shared the Review Group's thinking on this point, and decided not to insert the provision Mrs Granger had in mind in the draft Measure in the form in which it was to come to the Synod for First Consideration, while recognising the possibility that a member of Synod might wish to reopen the issue at the Revision Committee Stage.

II OTHER ISSUES

15. The following sub-paragraphs set out a number of other issues (going beyond detailed points of drafting) which the Group considered in the course of its work. For convenience, they are listed by reference to the paragraphs in the Report to which they relate, and here again those paragraphs are indicated in italics:-
 - (a) *Paragraphs 22 and 67* The Group gave further consideration to the Review Group's recommendation that the 1990 Measure should include a general provision to emphasise and reinforce the principle of promoting care and conservation, and also a provision

requiring bodies which decide on applications for approval under the Measure to have regard to the matters set out in *paragraph 67*.

On the basis of advice from Standing Counsel and the Assistant Legal Adviser, the Group concluded that what was needed and would be appropriate would be a single new clause, to be added at the end of the opening group of sections in the 1990 Measure. This would require the FACs, the CFCE and any Commission of Review, when exercising functions under that group of sections, to have due regard to desirability of preserving :

- the fabric of the cathedral church and its features of architectural, archaeological, artistic or historic interest;
- the immediate setting of the cathedral church;
- any building within the precinct which is of architectural, archaeological, artistic or historic interest;
- any archaeological remains within the precinct; and
- the cathedral's objects of architectural, archaeological, artistic or historic interest

- (b) *Paragraphs 29 and 72* The Group did not encounter any problems with the recommendation, in *paragraph 29* of the Report, that the Measure should deal expressly with cases where the proposed works are to be carried out by someone other than the Chapter, but require the Chapter's consent. For example, this could arise in relation to property which is subject to a tenancy. So far as *paragraph 72* was concerned, the Group noted that the existing appeals procedure did not make any provision for the person or body which wished to carry out the work in such cases to appeal, or to ensure that the Chapter appealed, against an unfavourable decision on the application for approval.

This was clearly a difficult area, involving issues such as who should bear the costs of any appeal and who was to have the deciding voice in its conduct. The Group therefore decided that it required further detailed work at staff level, with a view to the matter being brought to the Revision Committee, and here again the Group recommends that the Steering Committee should see that it is raised there.

- (c) *Paragraphs 56 and 57* These relate to section 8 of the 1990 Measure, dealing with applications for approval to the CFCE. The Group agreed that English Heritage, the national amenity societies

and the local planning authority should all receive notification of any applications to the CFCE which did not relate solely to objects. The Group also agreed that the recommendations in *paragraph 57*, which relate to the form and content of the notices, should be implemented by Rules.

- (d) *Paragraph 69* This relates to the proposed time limit on the validity of approvals under the 1990 Measure. After considering the practical implications of the Review Group's proposals, particularly in relation to major projects, and the problems that could arise in determining when work under an approval has "begun", the Group decided that the Measure should impose a ten year time-limit for completion of the works, which could be extended by the body which gave the approval. Where an approval had been granted before the date when the new legislation came into force, the Chapter concerned should have ten years from that date to complete the work, subject again to the possibility of the body which gave the approval extending the period.
- (e) *Paragraph 81* This paragraph relates to the proposed requirement on the Chapter to report annually to the FAC on the inventory, certifying that it is correct and giving details of any changes made during the past year. The Group considered it would be helpful to have an annual report by the Chapter even where the inventory or part of it had not yet been completed, although in that case the purpose of the report would be to set out the progress that was being made in compiling the inventory.
- (f) *Paragraphs 89 to 91* These paragraphs relate to the inspections and reports by the cathedral architect and the "close architect or surveyor" (who may be a different person from the cathedral architect), and to the reports by the cathedral archaeologist. The Group decided that:-
 - (i) The cathedral architect and the cathedral archaeologist should include in their annual summary reports anything which the architect considered relevant to the care and conservation of the cathedral church or the archaeologist considered relevant to the archaeological interest of the cathedral and its precinct, even if these matters did not relate to work carried out by the architect or the archaeologist him- or herself;

- (ii) Bearing in mind the differences in practice between different cathedrals as regards the scope and extent of the work of the close architect or surveyor, there was no clear case for imposing a general legal duty for the close architect or surveyor to make an annual report in the same way as the cathedral architect; and
 - (iii) Although the cathedral architect, the close architect or surveyor (if a different person) and the cathedral archaeologist should be responsible for giving advice to the Chapter on what works should be the subject of a permanent record, the Chapter should be under a duty to have regard to that advice and to make and maintain appropriate permanent records. It also should be for the Chapter to make a quinquennial report to the FAC (with a copy to the CFCE) on the records it had made on that basis and the arrangements for maintaining them.
- (g) *Paragraph 94* As proposed in the Report, the Group considered the composition of the body to make Rules for the purposes of the 1990 Measure. While it accepted the Review Group's conclusion that the present arrangements were not satisfactory, it thought that the best way forward in practice was to accept the basic structure of the Rule Committee put in place by section 25 of the 1991 Measure. This consisted of a single, multipurpose, Rule Committee consisting of a "core group", which met alone to deal with faculty matters, together with groups of "special members" to supplement the "core group" in relation to each of the "special" areas of work. (such as rules on cathedrals). Under section 25 as it stood, the additional members for the purpose of making rules as to cathedrals were one person who was a member of a cathedral chapter, nominated by the Appointments Committee, and one person with special knowledge of the conservation of cathedrals, nominated by the CFCE from among its members.

The Group reached the preliminary view that what was needed in order to ensure that the members of the Rule Committee had sufficient knowledge and expertise to deal adequately with rules regarding cathedrals would be to increase the number of CFCE nominees among the "special members"; to add members nominated by the Association of English Cathedrals; and to ensure if possible that the archdeacon member of the "core" group had experience in relation to the cathedrals (in particular as a past or

present residentiary canon) and that at least one of the registrar members of the "core" group was also the legal adviser to a cathedral.

The first two of these points have been taken up in the draft Measure (see Schedule 3 paragraph 3). However, the Group recognised from the outset that the Association of English Cathedrals would need to consider and discuss what was proposed and might in due course wish to put forward modified or alternative proposals to the Revision Committee. The Group recommends that its other proposals, relating to members of the "core group" of the Rule Committee, should be communicated to and taken into account by those responsible for making appointments to that committee.

- (h) *Paragraphs 149 and 155* The Group noted that work on the proposed Order under the Treasure Act 1996 was still in progress, but that it was likely to be completed in time for the Revision Committee to agree the minor amendments that would be needed to tie in the 1990 Measure with the Order and with the requirements of the Department for Culture, Media and Sport. The Group was also informed that the Lord Chancellor's Department was consulting on the report by the Cameron Group in relation to the major Royal peculiars.

PART C – EXPLANATORY MEMORANDUM

16. The draft Care of Cathedrals (Amendment) Measure ("the draft Measure") is introduced on the instructions of the Business Committee. Subject to the matters explained above, it gives effect to those recommendations in the Report of the Review Group on the Care of Cathedrals Measure ("the Report") (GS 1417) which require legislation by Measure.
17. The Care of Cathedrals Measure 1990 ("the 1990 Measure") was passed by the Synod "to make further provision for the care and conservation of cathedral churches". The draft Measure has the same broad purposes, although these are not specifically referred to in the Long Title to the Measure. It consists almost entirely of amendments to the 1990 Measure, ranging from detailed changes in the original wording to the addition or substitution of new sections and, in one case, the repeal of an existing section. The only exceptions, apart from clause 18 (dealing with the

citation and commencement of the draft Measure), are to be found in paragraphs 3 to 6 of Schedule 3 to the Measure, and these amend provisions of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (“the 1991 Measure”) and the Cathedrals Measure 1999 (“the 1999 Measure”) that are closely linked to the 1990 Measure.

18. In order to assist Synod members, a version of the 1990 Measure showing the amendments which the draft Measure would make to it is now being prepared. It will be circulated to members before the November 2001 Group of Sessions, at which the draft Measure is to be before the Synod for its First Consideration Stage.
19. The following paragraphs contain brief notes on the clauses and schedules of the draft Measure, in most cases by reference to the relevant paragraphs in the Review Group’s report (again indicated by italics).
20. **Clause 1** amends section 2(1) of the 1990 Measure, relating to proposals which require approval by the CFCE or the FAC:-
 - (a) to deal specifically with works to be carried out, with the Chapter’s consent, by some other person of body (see *paragraph 29* and *paragraph 15(b)* above);
 - (b) to refer to objects which are held by the cathedral but of which it is not the legal owner (see *paragraph 27*); and
 - (c) to cover proposals for work to an object of architectural, archaeological, artistic or historic interest which would materially affect its character (see *paragraphs 25 and 26*).
21. **Clauses 2 and 3** amend sections 3 and 4 of the 1990 Measure so as to extend the CFCE’s duty to give advice to Chapters and FACs on the care, conservation, repair or development of cathedral churches, and the duty of an FAC to give advice to the Chapter on the same matters. Under the new provisions, these duties would also cover advice in relation to any buildings or archaeological remains within the precinct, the landscape and environment in which the cathedral is set and the cathedral’s objects of architectural, archaeological, artistic or historic interest (see *paragraph 34*) . Clause 2(2) also amends section 3 of the 1990 Measure so as to give the CFCE a specific duty to promote standards of good practice (for example by issuing guidance) in relation to the same matters as are covered by its duty to give advice and also the other matters which are set out in *paragraph 35*. This duty is to be exercised in consultation with

Chapters, FACs and any other bodies or organisations the CFCE thinks appropriate.

22. **Clause 4** substitutes a new section in place of the existing section 5, dealing with the powers of FACs in relation to applications for approval. The main change is that the new clause gives the FAC a general power to determine whether or not a particular proposal requires approval under the 1990 Measure, except in a case where the CFCE has already made a determination under section 6(2) of the 1990 Measure as to whether an application for approval should be made to the CFCE itself or to the FAC (see *paragraph 31*).
23. **Clause 5** makes a number of amendments to section 6 of the 1990 Measure, dealing with the body to which an application for approval is to be made:-
 - (a) As regards the categories of proposals which need to be dealt with the CFCE, the amendments in clause 5(1) make it clear that the provision covering works which would permanently alter the fabric of the cathedral or an ancillary building within the precinct can include maintenance or repair work. They also extend the category of proposals regarding outstanding objects to include work to those objects of the kind described in paragraph 20(c) above. (See *paragraphs 45 and 48*.)
 - (b) The clause gives the CFCE power to decide to waive its power and duty to deal with an individual proposal which would normally come within its jurisdiction but which it does not regard as of sufficient importance to require consideration at national level. In that case, the FAC will deal with the proposal. (See *paragraph 43*.)
 - (c) The clause also gives the CFCE a more general power to decide that proposals of a specified class or description are to be dealt with by the FAC instead of by the CFCE itself. This decision may relate to a particular cathedral or to cathedrals generally, and requires prior consultation with any relevant Chapters and FACs, English Heritage, the national amenity societies and (except in cases involving objects only) the relevant local planning authorities. (See *paragraph 44*.)
 - (d) A new subsection applies where a proposal or intended proposal would materially affect the setting of the cathedral church or archaeological remains with the precinct, but not the cathedral

church or an ancillary building, and where works involved in the proposals would require planning permission, listed building consent or scheduled monument consent. In a case of this kind where the CFCE considers that the factors relevant to preserving the setting of the cathedral or the archaeological remains will be or have been adequately taken into account by the body granting the secular consent, it may, at the request of the Chapter, decide that approval under the 1990 Measure will not be required. However, it must consult beforehand with the local planning authority, English Heritage and the FAC. (See *paragraphs 65 and 66.*)

24. **Clause 6** amends section 7 of the 1990 Measure, dealing with applications for approval to the FAC. In a case other than one relating solely to objects, it requires notice of the application to be sent to the national amenity societies and English Heritage as well as to the local planning authority. The FAC secretary must also give all of them notice of the FAC's decision. (See *paragraph 56.*)

25. **Clause 7** make a number of amendments to section 8 of the 1990 Measure, which relates to applications for approval to the CFCE:-
 - (a) When notice of the application is given to the FAC secretary under the existing section 8, the secretary must inform the CFCE whether the FAC has considered the proposal concerned and, if so, what its views are (see *paragraph 40*);

 - (b) In the case of a proposal for the sale, loan or other disposal of an outstanding object, a new subsection gives the CFCE power to request advice from the Church Commissioners about the financial aspects of the proposal (other than the valuation of the object) (see *paragraphs 62 to 64*). The Church Commissioners must then be notified of the decision;

 - (c) Another new subsection provides that if there is a meeting between the CFCE and the Chapter to discuss the proposal, the FAC secretary is to be notified, and representatives of the FAC will be entitled to attend (see *paragraph 41*); and

 - (d) In a case other than one relating solely to objects, the secretary of the CFCE must give notice of the decision to the local planning authority as well as to the other bodies specified in section 8(3), instead of leaving this to the administrator (see *paragraph 60*).

26. **Clause 8** adds two new sections after section 10 of the 1990 Measure:-
- (a) The new section 10A provides that an approval under the Measure for carrying out any works is to lapse at the end of 10 years from the date when the Chapter receives notice of it (or, in a case where the approval was granted before the date when the new provisions came into force, 10 years from that date). The cathedral administrator must notify the FAC or the CFCE, as appropriate, once the works are completed. (See *paragraphs 69 and 70* and paragraph 15(d) above).
 - (b) The new section 10B requires the CFCE and FACs to keep registers of applications for approval dealt with by them. The form of the registers and the arrangements for their inspection by members of the public are to be laid down by Rules. (See *paragraph 71*).
27. **Clause 9** inserts a new clause 11A into the 1990 Measure, dealing with general duties of approval bodies. It provides that in exercising their functions under sections 1 to 11 of the Measure, the CFCE, FACs and any Commission of Review must have due regard to the desirability of preserving:-
- (a) the cathedral church and its features of architectural, archaeological, artistic or historic interest;
 - (b) the immediate setting of the cathedral church;
 - (c) any building in the precinct which is of architectural, archaeological, artistic or historic interest;
 - (d) any archaeological remains within the precinct; and
 - (e) the cathedral's objects of architectural, archaeological, artistic or historic interest

This is without prejudice to the general duty, placed by section 1 on all bodies having functions of care and conservation under the Measure, to have due regard to the fact that the cathedral is the seat of the bishop and a centre of worship and mission.

28. **Clause 10** amends section 12(2) of the 1990 Measure, relating to the archaeologist for the cathedral. It introduces the new title “cathedral

archaeologist” to replace “archaeological consultant”, which appeared in the original 1990 Measure (although under section 20(1) cathedrals will be free to use their own titles if they wish). It also requires the Chapter to consult the CFCE about each appointment to the post of cathedral archaeologist and not merely about the qualifications which the person appointed must possess. (See *paragraph 78.*)

29. **Clause 11** contains a number of amendments to section 13 of the 1990 Measure, relating to inventories and precinct plans.

(a) The original section 13(1) required the inventory of the cathedral’s objects of architectural, archaeological, artistic or historic interest to be compiled within 5 years from the date when the section came into force, and maintained from then on. The new clause removes the 5 year period and provides for the CFCE, after consulting the Chapter and the FAC, to fix a reasonable period for each individual cathedral for completing the inventory or to fix different periods for different parts of the inventory. The Chapter must also make an annual report to the FAC on the contents of the inventory, certifying that it is accurate and giving details of any changes, or on the progress made in compiling the inventory if it has not yet been completed. (See *paragraphs 81 and 82.*)

(b) The clause also provides a clearer definite of the “precinct” which is to be marked by the CFCE on the Chapter’s plan of the land surrounding and owned by the cathedral. The precinct is to consist of so much of the land in question as, in the CFCE’s opinion, is necessary to preserve or protect the architectural, archaeological, artistic or historic character of the cathedral church and its setting. The Chapter must also keep the plan up to date, and the CFCE may make alterations in the precinct as shown on the plan, after consulting the Chapter.

30. **Clause 12** substitutes a new section for the existing section 14 of the 1990 Measure. It deals with reports and inspections by the cathedral architect, and gives effect to *paragraphs 85 to 89*; see also paragraph 15(f) above:-

(a) It requires the cathedral architect to base the recommendations in his or her quinquennial report to the Chapter as to the works which need to be carried out to the cathedral church on such inspections as he or she considers necessary in order to provide that advice. It

also makes clear that the advice is to cover the urgency with which the works should be carried out ;

- (b) In addition, in the case of an architect appointed after the new legislation comes into force, he or she must carry out a full and detailed inspection of the cathedral and make report to the Chapter on that basis within two years of appointment, and the five-year cycle of inspections and reports then runs from the date of that report.
- (c) The architect must also make an annual report to the Chapter, dealing with works to the cathedral church during the year, progress made in implementing the recommendations in the quinquennial (or first) report and any other matters the architect considers relevant to the care and conservation of the cathedral church. This report must be made in consultation with the cathedral archaeologist, and with the close architect or surveyor if that is someone different from the cathedral architect.

31. **Clause 13** introduces two new sections into the 1990 Measure after section 14:-

- (a) The new section 14A deals with reports by the cathedral archaeologist. Within two years after the new provisions come into force, the archaeologist is to carry out an assessment of the matters of archaeological interest relating to the cathedral church, the precinct and any buildings and archaeological remains within it. He or she must then make a report to the Chapter (in consultation with the cathedral architect and also the close architect or surveyor if that is a different person), with recommendations on the management of those matters and on compiling and maintaining archaeological records in relation to them. The cathedral archaeologist must also make an annual report to the Chapter, in consultation with the same people, on the progress which has been made in fulfilling the recommendations, and on anything else which he or she considers is relevant to the archaeological interest of the cathedral or the precinct. (See *paragraph 91*.)
- (b) The new section 14B requires the cathedral architect and the cathedral archaeologist, after consulting the close architect or surveyor, to include advice to the Chapter in their annual reports on which works carried out during the previous year which should be the subject of a permanent record. The Chapter must have regard

to the advice and make and maintain appropriate records. It must also make a quinquennial report to the FAC, with a copy to the CFCE, on the records it has made on that basis and the arrangements for maintaining them. (See *paragraph 92* and *paragraph 15(f)* above.)

32. **Clause 14** repeals section 18 of the 1990 Measure, under which a parish church cathedral may be excluded from that Measure and brought within the faculty jurisdiction. (This power has never been used.) (See *paragraph 96*.)
33. **Clause 15 and Schedule 1** make a number of amendments to Schedule 1 to the 1990 Measure:- Most of them relate to the composition of the CFCE and give effect to *paragraphs 109 to 117*, subject to transitional provisions. In addition:-
 - (a) A new paragraph 14A is added to the Schedule, providing for the CFCE's business to be decided by a majority vote, with the Chairman having a second or casting vote (see *paragraph 120*);
 - (b) A provision is added to paragraph 16 to give the CFCE power to appoint a panel of not less than three of its members to hold a public hearing on a specific matter and to report back to it (see *paragraph 122*); and
 - (c) Another new paragraph is inserted after paragraph 16, providing that when the CFCE is considering an appeal against a decision of an FAC, a member of that FAC who is also a member of the CFCE may not take part in the proceedings (see *paragraph 106*).
34. **Clause 16 and Schedule 2** contain amendments to Schedule 2 to the 1990 Measure, again subject to transitional provisions:-
 - (a) The amendment to paragraph 1 of the Schedule excludes all members of the Chapter, whether clergy or lay people, from being members of the FAC, together with those who are employed or hold paid office in the cathedral (see *paragraph 123*);
 - (b) A new paragraph is substituted for paragraph 3, regarding attendance by the dean and residentiary canons at FAC meetings. Under the new provision, the dean, the administrator and any other members of the Chapter named by the Chapter itself, after consultation with the FAC, are to have the right to attend and speak

at those FAC meetings which the Chapter determines, but not vote. (See *paragraph 129.*)

- (c) There is also an amendment to paragraph 7 of Schedule 2 to the 1990 Measure, which relates to the appointment of the FAC secretary. The appointment is made by the FAC itself, and where it is considering the appointment of a person who is a member of the Chapter or who is employed or holds paid office in the cathedral, the new provision requires the FAC to have particular regard to any conflict of interest which would make it inappropriate to appoint that person. (See paragraphs 10 to 11 above.)

35. **Clause 17 and Schedule 3** contain a series of amendments to the 1990, 1991 and 1999 Measures:-

- (a) Paragraphs 1 and 2 of Schedule 3 set out a number of amendments to section 20 of the 1990 Measure, which contains definitions of terms used in that Measure. They give effect to *paragraph 99* and also make changes which are consequential on other provisions of the draft Measure;
- (b) Paragraph 3 of the Schedule amends section 25 of the 1991 Measure, which lays down the composition of the Rule Committee (see *paragraph 15(g)* above). It provides that the additional members to be added to the “core” committee for the purpose of making rules relating to cathedrals are to be three members of the CFCE nominated by it (instead of one) and three persons nominated by the Association of English Cathedrals.
- (c) Paragraphs 4 and 5 of the Schedule bring the provisions in section 20 of the 1999 Measure relating to the report by the close architect or surveyor into line with those of the amended 1990 Measure; and
- (d) Paragraph 6 amends section 36 of the 1999 Measure so as to give effect to *paragraphs 99 and 100.*

36. **Clause 18** deals with the citation and commencement of the new Measure