

PROVINCIAL BUILDINGS COMMITTEE

GUIDELINES FOR APPEALS PROCEDURE UNDER CANON 35

1. Since the Provincial Committee will be acting as an appeal body, the Committee will essentially concern itself with the question of whether the Diocesan Buildings Committee and Bishop arrived at the correct decision. Appeals should not generally be heard on the basis that the objectors simply do not like the decision made by the Diocesan Authorities but on specific grounds, for example that the Diocesan Authorities have somehow erred in their decision, failed to take into account relevant evidence advanced to them, acted unfairly in terms of procedure etc.
2. When a Diocesan Buildings Committee issues its decision, it should require that prompt notification is given to the vestry (as the representative of the congregation) so that potential objectors are, firstly, aware that there is an appeal process available, and, secondly, that they have adequate time to frame their appeal and submit it within the timescale set down in the Canon. Resolution 7 under Canon 35 requires that any appeal must be lodged within six weeks of the decision.
3. A standard form has been prepared for lodging an appeal (a copy is available from the [SEC website](#).) If the appeal comes from the congregation then there may be logistical difficulties in communicating with a large group. It is suggested that the form should stipulate the name of a single “spokesperson” who, in effect, has authority to handle the appeal on behalf of the objectors and who would act as the vehicle of communication. The form should state the specific grounds of appeal. Either the form itself (or a photocopy of it) should be signed by all objectors and in so signing, the objectors should warrant that they are on the Communicants’ Roll. (The Provincial Committee will not investigate the Communicants’ Roll itself but when papers are advanced to the Vestry (see below), if not all objectors are communicants, then objection to the appeal could be taken by the Vestry. If the status of objectors becomes an issue, the Provincial Committee may require to deal with this as a preliminary matter, separately from the substance of the appeal.)
4. If the appeal is from the congregation then, after receipt by the Province, the appeal form should be copied to both the Rector/Priest-in-charge and the Vestry Secretary (if the Vestry Secretary is an objector, the vestry should appoint another nominee for the purpose of the appeal). The Vestry should be given the opportunity within a stated period to respond to the appeal.
5. The appeal form should also be copied to the secretary of the Diocesan Buildings Committee and Bishop. The Diocesan Buildings Committee and the Bishop should be invited to submit details of the decision they arrived at. This should include the original application and plans, copy minutes etc. They should ensure that this includes the full reasoning behind the decision that they made.

6. The Provincial Committee, in considering the appeal, will normally restrict itself to a paper exercise – considering the original decision, the grounds of appeal and, if relevant, the Vestry's response. A site visit should be undertaken only in the event of there being particular circumstances (normally of a structural nature) which require a visit to enable the Committee to come to an informed position.
7. The decision of the Provincial Committee will normally take the form of a short extract minute which should be copied to the spokesperson for the objectors (if relevant), the Rector/Priest-in-charge and Vestry Secretary (for the Vestry), the secretary of the Diocesan Buildings Committee and Bishop.

Buildings Committee

November 2010

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