

Guidelines for Appeals

Information Sheet 4

Introduction

1. Overview of Process

The Department for Christian Life and Worship has set up a process for giving permission for the publication of musical settings of liturgical texts as mentioned in paragraph 393 of the *General Instruction of the Roman Missal*.

The musical settings are submitted to a panel appointed by the Department which make a recommendation to Bishop Alan Hopes who issues a certificate of the decision together with reasons. Settings are either Accepted, Withheld: Editorial or Withheld. Accepted settings may be published, Withheld: Editorial settings generally require changes, such as punctuation and capitalisation; Withheld settings will have, for example, omitted or amended the text. It is the expectation that Withheld settings are resubmitted with any changes made.

The criteria for the decisions is found in the Department document: *The Roman Missal: Order of Mass — A Guide for Composers*.

2. What is an appeal?

This document offers guidance for the Appeals Process. It is intended both for the Commission and publishers. Though the guidelines are intended to cover a range of possible appeals the Commission has some freedom to adapt the process in consultation with the Department Chair should the nature of the appeal suggest it. The Appellant would be informed of any changes to the process.

The intention is to establish a process which is not over burdensome, fair and flexible.

The process in brief

- An appeal is made
- The Department Chairman appoints a Commission.
- The format of the process is a written one.
- Submissions are reviewed and commented on by both parties
- The Submissions are reviewed by the Commission who issue a determination.

It is arranged in question and answer format for clarity.

3. Who can appeal?

Appeals may be made by the Publisher who has submitted the musical setting.

4. How is an appeal made?

In writing to the Department for Christian Life and Worship.

The submission should give details of the musical setting and the grounds for the appeal.

5. What can be appealed against?

The decision

- In the light of the *Guide for Composers*
- In the light of other settings previously approved for publication

The process

- An error in the process followed to make a decision.

It is expected that appeals will normally be made against a 'Withheld' decision.

6. Who hears the appeal?

The appeal is heard by a Commission appointed by the Department Chairman. A Commission will have 3 members who have knowledge and skills in the areas of liturgy and liturgical music.

The Commission is distinct from the Panel which originally reviewed the musical setting. The only involvement of the Panel is in any written submission.

7. Is a new Commission appointed for an appeal relating to the same setting which has already been the subject of a previous appeal?

It is expected that any issues which a publisher wishes to raise on a decision are included in their submission.

However if a setting is resubmitted to the panel a subsequent decision may be appealed against. In these circumstances it is recommended that the same Commission hears the appeal.

8. What is the timescale?

The Commission should be appointed within 28 days and the appeal determined within 3 months.

9. May an appeal be withdrawn?

Yes, in writing by the Publisher. It will be understood that the decision given on the most recent certificate for the setting stands.

The Appeal

10. How is the appeal organised?

The appeal is a written process rather than an oral process. It will be usual for the Commission to meet but it is not expected that the publisher will be present. It is expected that the Commission will need to meet only once.

11. What documents are available to the Commission?

- The musical setting
- The Certificate issued by Bishop Hopes
- The Appeal Submission from the publisher giving the reasons for the appeal
- A Submission on behalf of Bishop Hopes and the Panel giving an account of the process and the reason for the decision

- Comments on the other parties' submissions — each party is sent the other parties' submission prior to the Commission meeting and is able to respond with any comments in writing.

If a new or revised musical setting is submitted as part of the appeal it can be referred back to the Panel.

12. What procedure is followed?

The Commission will need to identify what is at issue, study the documentation and come to a determination.

13. What is at issue in the appeal?

The Commission needs to identify the nature of the appeal with reference to the categories in paragraph 5. The appeal may need to be divided into a number of separate issues. It may also be necessary to clarify whether the appeal concerns the whole musical setting or just part of it.

14. Can the commission dismiss an appeal?

Yes, the Commission can dismiss an appeal. For example, where no reason or valid grounds are given or where there has been an appeal at a previous stage and no new case has been presented.

The Determination

15. How is a decision reached?

The decision is a collegiate. A 2-1 majority is acceptable but all should sign the determination. A determination will normally be made available within 28 days.

16. What is the format of the determination?

There should be a brief record of the process, an indication of the various issues, and the Commission's determination together with reasons. It is intended that this is a public document and is made available on the Bishops' Conference website.

17. What possible determinations are there?

The decision of the Appeal Commission is final. However subsequent decisions on the same musical setting may be appealed against.

Depending of the issues identified by the Commission – the determination can be in a number of parts.

There are three possible determinations.

a. Upheld:

The appeal is upheld. This will often mean that the setting is accepted, unless there are editorial or other matters to be dealt with

b. Dismissal:

The original decision is upheld. Any reasons for 'withheld' would need therefore to be complied with before resubmission.

c. Setting remitted to Panel:

If the correct process has not been followed the setting is resubmitted either complete or just in part.

18. 'Vexatious Litigant'

The Commission can identify an appellant as 'vexatious litigant', for example where an appellant has had an appeal dismissed due to insufficient grounds on two separate applications.

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