



Appeal number: CA/2021/0009

IN THE FIRST-TIER TRIBUNAL GENERAL REGULATORY CHAMBER (CHARITY)

BETWEEN:

Mr TONY MILLER

Mr WILL FRENCH

(Persons stating they are directly affected by a Scheme made on 12 March 2021 by the Charity Commission for England and Wales in respect of the Charity “The Victoria Hall Trust”)

Appellants

- AND -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

DIRECTIONS

IT IS NOW DIRECTED AS FOLLOWS:

Application for a preliminary issue to be considered

1. The Appellants’ application for preliminary issue determination on “ **whether** the report and appendices dated 22nd July 2021 of Mr James Weeks, Historic Buildings Consultant, which have been submitted for inclusion in the bundle, will be accepted as substantive evidence on which we can rely” is refused:

- 1.1. The document can be included in the Bundle, and the Tribunal Judge/Panel determining the appeal will decide what weight is to be attached to the document; it is inappropriate for a Judge to bind the hands of the final decision makers.

Mode of hearing

2. The Appellants' application for a face-to-face hearing is, at present, refused because:
 - 2.1. The Appellants do not at present seem to have considered whether they can communicate by using a WhatsApp (or other instant messaging service) group to enable them to communicate with each other, their advisor (albeit that at present, they seem to be representing themselves) and witnesses during the hearing.
 - 2.2. The Appellants do not at present seem to have considered whether they can gather with each other, their advisor and witnesses in a room organized by themselves, to enable them to communicate during the hearing.
3. The Tribunal notes that parties estimate the length of hearing as 2 days. The Tribunal requires parties to provide the relevant bundle(s), including witness evidence, so that the Tribunal can decide the appropriate length of hearing.

Agreed bundle of documents

4. The parties are to use their best endeavours to agree the contents of a bundle of documents for the Tribunal paper consideration, in accordance with the arrangements set out below:
5. The Charity Commission should use all reasonable efforts to provide the draft bundle to the appellant in the timescale indicated in their draft directions. The Tribunal only needs the final bundle, the Charity Commission is asked to not send any "draft" to the Tribunal, whether it is of the index or of the bundle.
6. The Appellant must notify the Respondent whether there are any additional documents in its possession that it wishes to add to the bundle or documents which the Appellant believes the Respondent is in possession of which should be included in the bundle in accordance with any request made by the Charity Commission; in absence of a request, the Appellant is to abide by the date in the parties' draft directions (03 September 2021). The Appellant is to supply a copy of any documents to the Respondent in pdf, word or other agreed format.
7. A consolidated version of the bundle is to be prepared by the Respondent and forwarded to the Appellant (but NOT the Tribunal) electronically by 5 p.m. on 24 September 2021.

Witness statements

8. **By 5 p.m. on 17 September 2021**, the Appellant is to serve on the Respondent and Tribunal any written witness statements on which it wishes to rely at the hearing or confirm that it will not be calling witness evidence. If a witness statement refers to any

document in the hearing bundle, the relevant page number is to be used in the statement, this can be done by adding a note to the margin of the witness statement once the page numbers of the bundle are known.

9. **By 5 p.m. on 24 September 2021**, the Respondent is to serve on the Appellant and Tribunal any written witness statements on which it wishes to rely at the hearing or to confirm that it will not be calling witness evidence.
10. **By 5 p.m. on 01 October 2021**, the Appellant is to serve on the Respondent and Tribunal any Reply (which is optional) to the Respondent's witness statement(s).

Lodging of bundles with the Tribunal

11. A final version of the hearing bundle which is to include the witness evidence is to be prepared by the Respondent.
12. Electronic copy is to be lodged with the Tribunal by **5 p.m. on 15 October 2021**.
13. The parties must also provide to the Tribunal by **5 p.m. on 15 October 2021**:
 - 13.1. A schedule of agreed facts;
 - 13.2. A schedule of issues in dispute;
 - 13.3. An agreed chronology;
 - 13.4. A list of witnesses to be called, including whether the party calling them asks that they be permitted to give evidence by video-link, even if the hearing is not to be fully conducted by remote means;
 - 13.5. A draft timetable for the hearing;
 - 13.6. Any submissions about the type of hearing (video / hybrid / in person) the party asks the matter is listed for.

Dates to avoid

14. On **15 October 2021** each party must lodge with the Tribunal their dates to avoid for the period **December 2021 to June 2022**.
15. The Tribunal office will endeavour to issue a date of hearing by **25 October 2021**, parties should ensure that the office is kept up to date with any changes of dates until such time as the hearing date is notified to parties.

Skeleton arguments

16. Once the hearing date is known, the Tribunal will set a date (or dates) for skeleton arguments.

Bundle of authorities

17. Each party must serve with their skeleton argument an electronic bundle of the authorities they specifically refer to in their written submissions.
18. The Respondent is to prepare and serve a consolidated electronic version of the authorities bundle the date for the Authorities Bundle will be issued when the hearing and skeleton argument dates are known.

Other

19. The parties have permission to apply to vary these directions or to apply for further directions provided such application is in writing setting out the full reasons for the application and (where applicable) before the time limit for complying with the direction has been reached.

Cooperation

20. The Parties are reminded that they are required by the overriding objective to cooperate with each other, and with the Tribunal, as confirmed by the Upper Tribunal in *Dorset Healthcare NHS Foundation Trust v MH [2009] UKUT 4 (AAC)*¹, (paragraph 13). This includes a requirement to liaise with each other concerning procedural matters; to identify and clarify issues; to agree a course of action; and to identify and agree any additional directions required, before they refer a matter to the Tribunal.

DDJ Worth

Deputy District Judge Worth, authorised to sit as a Tribunal Judge in the GRC

DATED: 09 August 2021