

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

Appeal No. CA/2021/0007

BETWEEN:

THE KNIGHTLAND FOUNDATION
(an incorporated body, charity no. 1143110)

Appellant

-and-

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

DIRECTIONS

1. By way of Directions agreed by the parties and approved by the Tribunal, the following Directions, *inter alia*, were issued:

"IT IS DIRECTED AS FOLLOWS:

Particularisation of alleged breaches

1. The Respondent shall by 5pm on **14 June 2021** file and serve a schedule or other form of document as appropriate detailing:

- a. Which legal, equitable and/or statutory duties (if any) the Respondent alleges have been breached in the conduct and administration of the Charity, with cross- references to the facts and matters alleged in both the Respondent's Statement of Reasons dated 7 April 2021 and Response dated 7 May 2021;

b. Which Charity Commission Guidance – **to include specific paragraph and/or page numbers if available** – (if any) the Respondent alleges has been breached in the conduct and administration of the Charity, with cross-references to the facts and matters alleged in both the Respondent’s statement of Reasons dated 7 April 2021 and Response dated 7 May 2021...” (emphasis added).

2. The purpose of these Directions, in furtherance of the overriding objective set out in rule 2 of the 2009 Procedure Rules, were to enable both the appellant and the Tribunal to properly understand the case being put by the respondent.
3. On 14 June 2021, the respondent served a table on the Tribunal in purported compliance with the above directions. It is noted that whilst the table identifies, in respect of each allegation, the Charity Commission Guidance said to have been breached by the appellant, nowhere in the table are specific paragraphs or page numbers identified.
4. Having had an opportunity to consider the Guidance (which was supplied by way of a link at the end of the tables) it is plain that not all passages therein are relevant to the specific allegations made. Whilst, after expending considerable time, I may have been able to ascertain which aspects of the cited guidance it is said have been breached in relation to each of the allegations, I am far from certain that I am correct in my assessment.
5. Such uncertainty is likely to cause difficulties for the appellant in preparing for the hearing, confusion at the hearing and an extension in the length of the hearing. In such circumstances, I will provide the respondent a further 7 days from the sending of this document to comply with the aforementioned Directions. Compliance requires specificity as to the provisions of the Charity Commission’s Guidance that it is alleged have been breached. If the guidance is not set out in a manner which readily allows for identification of the relevant passages by way of paragraph and page number (or other mechanism which allows for such specificity), the passages relied upon must be set out verbatim by the respondent, and cross referenced etc (see the terms of the directions).

Upper Tribunal Judge Mark O’Connor

8 July 2021