

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. Pursuant to my Directions of 12 July 2021, the appellant has filed submissions opposing the respondent's application of 9 July 2021, in which the respondent sought an order for disclosure of specified documents. In addition to the aforementioned submissions, and contained within the same document, the appellant seeks an order under rule 18(4) of the 2009 Rules, in relation to:
 - (i) an email of 18 February 2020, which it is said the respondent has in its possession but over which legal privilege is claimed;
 - (ii) legal advice and communications provided to the appellant, which are now in said to be in the possession of the respondent pursuant to the events described in paragraph 4 of the appellant's submissions. The appellant claims privilege in relation to these documents.
2. Rule 18(4) of the Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009 does not read as set out in paragraph 6 of the aforementioned submissions. It appears that the author has set out a provision from the FtT (Property Chamber) Procedure Rules. If the appellant wishes to maintain the substance of such application, it must file and serve a further application identifying the relevant GRC Procedure Rules relied upon, by no later than 1pm on Monday 19 July 2021 ("the appellant's application").
3. Fairness dictates that the respondent be afforded an opportunity to reply to such application, if it is maintained, and must do so by filing with the Tribunal and serving on

the appellant a written reply by no later than 1pm on Tuesday 20 July 2021 ("the respondent's reply"). This reply must append copies of any documents in its possession which fall within the scope of 1(i) and 1(ii) above. I consider such timeframe for a response to be fair and reasonable despite what I have said in paragraph 2 above, given that the substance of such application is already known to the respondent.

3. The respondent's application for disclosure and the appellant's application will be listed for hearing for consideration by the Tribunal on the 21 July or 22 July 2021 ("the hearing"). The parties must liaise with the Tribunal as to date and timing of such hearing. Upon receipt of the respondent's reply, a judge of the Tribunal will consider whether it is still just and necessary for the hearing to proceed, or whether the matter can be dealt with justly on the papers. Absence of a communication from the Tribunal to the parties in this regard is to be treated as the judge having concluded that the hearing is necessary.

Upper Tribunal Judge O'Connor
M O'Connor
16 July 2021