



**First-tier Tribunal
(General Regulatory Chamber)
Charity**

Tribunal Reference: CA/2018/0015
Appellant: Paul Kelly
Respondent: The Charity Commission for England and Wales
Judge: Jonathan Holbrook

CASE MANAGEMENT NOTE

This appeal concerns an order (“the Order”) made by the Charity Commission directing Console Suicide Prevention Limited (“the Charity”) to wind up and dissolve the Charity, and to transfer any remaining assets to a charity with similar objects. The Charity Commission has asked the Tribunal to strike out the appeal because it has no reasonable prospect of succeeding and/or because the remedy the Appellant seems to be seeking is not one that the Tribunal has power to grant.

I have seen Mr Kelly’s response to the strike out application, and I note his comment that the trustees feel overwhelmed by its legal content. I have also seen the notice of appeal in this case and, given that the underlying purpose of the appeal is not yet clear to me, I consider it appropriate to invite the Appellant to address the following specific questions before the Tribunal decides whether or not to strike out the appeal.

1. If the Tribunal allows this appeal, then it may quash the Order and, if appropriate, it may require the Charity Commission to re-make its decision. But it cannot do anything else. Are you asking for the Order to be quashed?
2. If so, why? I gather that the trustees are already in the process of winding up the Charity and that there is a pending proposal for the Charity to be struck off the register of companies. If this is correct, what purpose would be served by quashing the Order?

3. What are your grounds for challenging the Order? In other words, why shouldn't the Order have been made (and how do you think the Charity Commission exercised its statutory powers incorrectly by making it)?
4. The Order was addressed to the Charity (as a body corporate) and it is the Charity - rather than its trustees as individuals - which has a right to appeal to the Tribunal against the Order. Is it the intention of the trustees that the appeal should be continued in the name of the Charity?

IT IS THEREFORE DIRECTED that, within 14 days of the date appearing below, the Appellant must provide written responses to the above questions. A copy of those responses must be sent to the Charity Commission at the same time as they are sent to the Tribunal.

Signed: J W HOLBROOK

Date: 12 February 2019

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