



Appeal number: CA/2018/0002

**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(CHARITY)**

VANESSA HILL

Appellant

- and -

**THE CHARITY COMMISSION FOR ENGLAND Respondent
AND WALES**

DIRECTIONS

Further to the Tribunal's Directions of 31 January 2018

And upon the Tribunal having received an application from the Respondent for the Notice of Appeal to be struck out

IT IS DIRECTED THAT:

1. The Tribunal's Directions of 31 January 2018 are suspended until further order;

2. The Appellant may make representations on the proposed strike out, pursuant to rule 8 (4) of the Tribunal's Rules, by no later than 5pm on 16 March 2018;
3. The Tribunal will thereafter determine the application for strike out on the papers as soon as practicable;
4. If the appeal is not struck out, the Tribunal will issue further Directions.

REASONS

1. This appeal is made against the Charity Commission's Direction of 17 November 2017, under s. 42 (1) of the Charities Act 2011. The Appellant appeals as a "person affected" by the Commission's Direction, as trustee of an unregistered charity with a similar name to the charity which is the subject of the Commission's Direction. The Tribunal has not yet determined whether the appeal was lodged in time.
2. By her Notice of Appeal dated 23 January 2018, the Appellant asks the Tribunal to amend the Charity Commission's Direction, so as to specify that a different name must be adopted by the other charity.
3. In its Response, the Charity Commission submits that the remedy sought by the Appellant is not available from the Tribunal, so that the Notice of Appeal should be struck out, either under rule 8 (2)(a) because the Tribunal lacks jurisdiction, or 8 (3) (c) because the appeal has no prospect of success. In either case, the Tribunal can only rule once it has given the Appellant the opportunity to make submissions in respect of the proposed strike out.
4. If this appeal is not struck out, the Charity Commission also seeks to argue that it was made out of time. If that is right, the Tribunal would need to consider whether to exercise its discretion to allow the appeal to proceed in the circumstances of this case, and would offer the Appellant an opportunity to comment further before it did so.
5. While these preliminary issues are yet to be resolved, it is not proportionate to put the parties to the cost of preparing this matter for a final hearing. Accordingly, I have suspended the Tribunal's earlier Directions for the time being, whilst the strike out application is considered.
6. The Commission has helpfully pointed out that it could treat the application to the Tribunal as an application for it to make a fresh Direction. A new Direction could possibly provide the Appellant with a remedy which the Tribunal could not, and would carry with it a further right of appeal to the Tribunal. In these

circumstances the parties could consider applying for a stay of proceedings, in order to allow those further discussions to take place.

Signed

Alison McKenna
Principal Judge

Dated: 1 March 2018

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