



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

Tribunal Reference: CA/2018/0011
Appellants: John Nicholson, Annie O’Gara & Kholoud al Ajarma
Respondent: The Charity Commission for England and Wales
Judge: Jonathan Holbrook

CASE MANAGEMENT NOTE

Following the parties’ responses to the case management note dated 9 November 2018, I note that there are now two preliminary issues requiring determination. They are:

1. Whether the appeal was made in time (and, if not, whether time should be extended for making it); and
2. Whether the Appellants (or any of them) have standing to make the appeal.

The Appellants have requested that these issues be dealt with at an oral hearing. I consent to that request and a preliminary hearing is therefore likely to be held in Manchester during February or March 2019. I note that the Appellants intend to supplement their written submissions with relevant witness evidence at the preliminary hearing and I am therefore issuing the following directions to facilitate the parties’ preparations for that hearing.

IT IS DIRECTED as follows

Listing arrangements

1. By 24 December 2018, the parties are to send to the Tribunal a list of any dates in the months of February and March 2019 when they, their representatives or any witnesses will not be available to attend a hearing.
2. The Tribunal will inform the parties of the hearing date and location as soon as possible. It is anticipated that the preliminary hearing will last half a day.

Agreed bundle of documents

3. The parties are to use their best endeavours to agree the contents of a bundle of documents to be used at the preliminary hearing, in accordance with the arrangements set out below.
4. The first draft of the index to the hearing bundle is to be prepared by the Respondent and served on the Appellants by 5pm on 7 January 2019.
5. By 5pm on 14 January 2019, the Appellants are to notify the Respondent whether there are any additional documents in their possession that they wish to add to the bundle and (if necessary) to supply a copy of any documents to the Respondent.
6. A consolidated version of the bundle is to be prepared by the Respondent and forwarded to the Appellant by 5pm on 21 January 2019.

Witness statements

7. By 5pm on 28 January 2019, the parties are to exchange with each other any written witness statements on which they wish to rely or to confirm that they will not be relying on witness evidence. If the statements refer to any documents in the bundle, the relevant page numbers are to be given.
8. The witness statements (which must contain a statement of truth) are to stand as evidence in chief at the hearing, although supplementary questions may be asked with the permission of the Tribunal. (No party is to call any witness in respect of whom a written statement has not been exchanged without the Tribunal's permission.)
9. Each party is to notify the other if they wish to cross-examine any witness in respect of whom a statement has been filed by 5pm on 4 February 2019.

Disclosure of bundles to the Tribunal

10. A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by the Respondent and two copies are to be lodged with the Tribunal at least 14 days before the hearing date. A further copy is also to be brought by the Respondent to the hearing for use by witnesses (if any).

Written submissions

11. The parties may rely on the written submissions already provided. However, if they wish to make further submissions, this should be done as follows.
12. Written submissions are to be exchanged by the parties and lodged with the Tribunal by email, in the following order. The Appellants are to file their written submissions no later than 14 days before the hearing date; and the Respondent is to reply to the Appellants' written submissions and make any additional submissions of its own no later than 7 days before the hearing date.

Bundle of authorities and statutory materials

13. The parties are to agree a bundle of authorities and statutory materials, which will be prepared by the Respondent. Three copies are to be lodged with the Tribunal no later than 7 days before the hearing date.

Other

14. 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.

Signed: J W HOLBROOK

Date: 10 December 2018

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