



Appeal number: CA/2016/0006

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

KEITH COLMAN

Appellant

- and -

**THE CHARITY COMMISSION
FOR ENGLAND AND WALES**

Respondent

TRIBUNAL: JUDGE ALISON MCKENNA

Sitting in public at The Old Bakery, Norwich on 8 December 2016

**Mr Colman appeared in person
Katy Reade appeared for the Respondent**

DIRECTIONS

Having read the Grounds of Appeal, Response and Reply and heard from both parties

IT IS DIRECTED as follows:

1. The Questions for the Tribunal

The Tribunal in this appeal is to decide afresh the question of whether to make an Order under s. 76 (3) (d) of the Charities Act 2011, and will consider the following questions:

- (1) Has an undertaking from a solicitor been given to the Respondent in respect of the distribution of the proceeds of sale of Park Farm (“the property”)? If so, is that undertaking sufficient to protect the charity’s interest in the property?
- (2) Is the existing Land Register entry sufficient to protect the charity’s interest in the property?
- (3) Is it possible to protect the charity’s equitable interest in the property by converting it voluntarily into a legal charge? If so, is there an agreement to do this?
- (4) Is it necessary or desirable to protect the charity’s interest in the property by Order, having taken into account the answers to the questions above?

2. Mode and length of hearing

(1) This appeal is to be listed for an oral hearing in Norwich (unless the Appellant requests otherwise) on the first available date after 1 May 2017.

(2) The time estimate for the hearing is two days, but the parties are to inform the Tribunal if this estimate changes once the witness evidence has been finalised.

(3) The parties are to provide the Tribunal with the dates to avoid for their representatives and witnesses during the period 1 to 31 May 2017, by 5pm on 6 March 2017, following which the Tribunal will notify them of the hearing date and venue.

3. Agreed bundle of documents

The parties are to use their best endeavours to agree the contents of a bundle of documents for the Tribunal hearing, in accordance with the arrangements set out below:

- (1) 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 6 March 2017;
- (2) By 5pm on 13 March 2017, the Appellant is to notify the Respondent whether there are any additional documents in his possession that he wishes to add to the bundle. The Appellant is to supply a copy of any documents to the Respondent if requested;
- (3) Following the above process, if either party objects to the inclusion of any documents in the bundle, they are to file a written application to the

Tribunal (copying in the other party) seeking the Tribunal's directions under rule 15 by 20 March 2017, following which the Tribunal will consider any representations made in reply and issue its ruling by 30 March 2017.

- (4) A consolidated version of the bundle is to be prepared by the Respondent and forwarded to the Appellant by 5pm on 30 March 2017 (if there is no rule 15 application) or 5 April 2017 if the Tribunal is asked to rule.

4. Witness statements

- (1) By 5pm on 28 February 2017, the Appellant is to serve on the Respondent any written witness statements on which he wishes to rely at the hearing or to confirm that they will not be calling witness evidence. If witness statements refer to any documents in the bundle, the relevant page number is to be used in the final version of the hearing bundle (but this can be by adding a note to the margin of the witness statement once the page numbers of the bundle are known).
- (2) By 5pm on 6 March 2017 the Respondent is to serve on the Appellant any written witness statements on which it wishes to rely at the hearing or to confirm that it will not be calling witness evidence.
- (3) 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.
- (4) 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 30 March 2017 (if the Tribunal is not asked to rule under paragraph 3(3) above) or 5 April 2017 (if it is so asked).

5. Lodging of bundles with the Tribunal

A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by the Respondent. Four copies are to be lodged with the Tribunal no later than ten 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).

6. Skeleton arguments

Statements of Case (skeleton arguments) are to be exchanged by the parties and lodged with the Tribunal by e mail, by no later than 10 days before the hearing date.

7. Bundle of authorities and statutory materials

The parties are to use their best endeavours to agree a bundle of authorities and statutory materials, in accordance with the directions below:

- (1) The first draft of the index to the authorities bundle is to be prepared by the Respondent and served on the Appellant by 5pm on 30 March 2017.
- (2) The Appellant is to notify the Respondent whether there are additional materials which he wishes to be included in the authorities bundle by 5pm on 5 April 2017.
- (3) The index to the consolidated version of the authorities bundle is to be prepared by the Respondent and provided to the Appellant and the Tribunal by e mail, no later than seven days before the hearing date. If possible, there should be a hyper-link from the index to the materials themselves.
- (4) The Respondent is to serve three hard copies of the authorities bundle on the Tribunal and send one to the Appellant by no later than seven days before the hearing. The Authorities bundle must contain only those authorities specifically referred to in the skeleton arguments.

8. Other

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 on the original)

**ALISON MCKENNA
PRINCIPAL JUDGE**

9 December 2016

© CROWN COPYRIGHT 2016