



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATOR CHAMBER (CHARITY)**

**Appeal numbers: CA/2019/0002;
CA/2019/0003; CA/2019/0006**

BETWEEN:

DAVID SWETTENHAM AND HELEN KING

Appellants

- AND -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

Before Judge Alison McKenna

Sitting in Chambers

On 1 August 2019

DIRECTIONS

UPON the Tribunal having received a Notice of Appeal on 8 February 2019 and a further Notice of Appeal on 20 March 2019,

UPON the Tribunal consolidating these appeals on 23 May 2019,

UPON the Tribunal listing an oral hearing of these appeals for two days in London on 2 and 3 October 2019,

And Upon hearing from the parties at a telephone directions hearing on 1 August 2019

IT IS DIRECTED as follows:

Preliminary Issues

1. If the Appellants wish to make an application for further disclosure, they are to include such application in their skeleton argument. The Respondent may respond orally at the hearing and the Tribunal will rule at the hearing;

List of issues, etc

2. The Respondent has already provided the Appellants with a draft list of issues for determination at the hearing. The Appellants must respond to this by no later than 5 pm on 8 August 2019. If there is no agreement, a joint application for the Tribunal to rule on the issues must be made forthwith and the Tribunal will rule as soon as practicable thereafter;

Bundle of documents

3. The parties are to prepare a hearing bundle, in accordance with the arrangements set out below.
4. **By 5pm on 13 August 2019**, the Respondent is to prepare and serve on the Appellants (electronically and in hard copy) the Respondent's paginated hearing bundle for the Tribunal, including an index of documents contained therein;
5. **By 5pm on 27 August 2019**, the Appellants are to prepare and serve on the Respondent an additional documents file, in a paginated electronic bundle, including an index of documents contained therein. The Respondent will prepare hard copies of this for the Appellant and the Tribunal. **If the Appellants fail to comply with this direction, this consolidated appeal will automatically be struck out by the Tribunal under Rule 8(1) of the Tribunal Rules.**

Witness statements

6. **By 5pm on 5 September 2019**, the parties are to exchange any written witness statements on which they wish to rely at the hearing or confirm that it will not be calling witness evidence. If the witness statements refer to any documents in the hearing bundle, the relevant page number is to be used in the statement(s) (but this can be done by adding a note to the margin of the witness statement once page numbers of the bundle are known). **If the Appellants fail to comply with this direction, this consolidated appeal will automatically be struck out by the Tribunal under Rule 8(1) of the Tribunal Rules.**
7. 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.
8. **By 5pm on 12 September 2019**, each party is to notify the other if they wish to cross examine any witness in respect of whom a statement has been filed.

Skeleton arguments

9. **By 5pm on 22 September 2019**, the parties are to exchange statements of cases (skeleton arguments) with each other and to send an electronic copy to the Tribunal. When referring to any documents in the hearing bundle, the relevant page number is to be used in the skeleton arguments. **If the Appellants fail to comply with this direction, this consolidated appeal will automatically be struck out by the Tribunal under Rule 8(1) of the Tribunal Rules.**

Bundle of authorities and statutory materials

10. The parties are to use their best endeavours to agree a bundle of authorities and statutory materials, in accordance with the directions below.
11. The first draft of the index to the authorities bundle is to be prepared by the Respondent and be sent to the Appellants **by 5pm on 23 September 2019**.
12. The Appellants are to notify the Respondent whether there are additional materials that they wish to be included in the authorities bundle **by 5pm on 24 September 2019** and provide electronic copies at the same time (in pdf, word or other agreed format).
13. The authorities bundle must contain only those authorities specifically referred to in the skeleton arguments.
14. The Respondent is to prepare and serve a consolidated version of the authorities bundle (electronically and in hard copy) on the Appellants **by 5pm on 27 September 2019**.

Lodging of bundles with the Tribunal

15. Four hard copies of the hearing bundle (including the Appellants' additional documents file and the bundle of consolidated witness statements with exhibits) are to be lodged by the Respondent with the Tribunal **by no later than 19 September 2019**.
16. A further copy is also to be brought by the Respondent to the hearing for use by witnesses (if any).
17. Four hard copies of the consolidated authorities bundle are to be lodged by the Respondent with the Tribunal **by no later than 27 September 2019**. The index to the authorities bundle is to be provided to the Tribunal in electronic format at the same time.

Other

18. Each of the parties have permission to apply to vary these directions or to apply for further directions. Any such application is to be in writing setting out the full reasons for the application and (where applicable) to be filed before the time limit for complying with the direction has been reached.
19. Unless specified under The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, all written correspondence **addressed to the Tribunal** must be copied to all other parties or sent to the other parties as soon as reasonably practicable but the parties are **NOT** to copy the Tribunal into general correspondence between themselves.

(Signed)

Judge Alison McKenna

Chamber President

(Dated)

1 August 2019