



Appeal number: CA/2020/0013

FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(CHARITY)

ZALMAN KLYNE
RISA KLYNE
YITSCHOK SHOLOM KLYNE
(Trustees of BK Charitable Trust)

Appellants

- and -

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

Before:
Judge Alison McKenna (CP)
Sitting in Chambers on 24 July 2020

DIRECTIONS

Upon the Tribunal having received a Notice of Appeal dated 21 July 2020

And Upon the Tribunal proposing to strike out the Notice of Appeal under rule 8 (2) (a) of the Rules¹ on the basis that it has no jurisdiction to determine it

IT IS DIRECTED THAT:

1. The Respondent need not file a Response to the Notice of Appeal unless and until directed to do so;
2. The Appellants may make representations on the proposed strike out for lack of jurisdiction, by no later than 5pm on 7 August 2020;
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. The Notice of Appeal in this matter refers to the Charity Commission's Order of 14 July 2020, made under s. 337(4) of the Charities Act 2011.
2. The Tribunal may only decide appeals which are brought against a decision direction or order made in the exercise of a statutory power listed in column one of schedule 6 to the Charities Act 2011². Under rule 8 (2) (a), the Tribunal must strike out an appeal if it has no jurisdiction to determine it.
3. The Appellants have not so far identified how why they say that the order they seek to challenge was made in the exercise of a statutory power falling under column 1 of Schedule 6 to the 2011 Act. In correspondence, the Appellants' representative has referred to what seems to be a public law challenge to the Charity Commission's decision, which may be a matter within the jurisdiction of the Administrative Court, but it does not appear to be within the jurisdiction of this Tribunal.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779790/tri-bunal-procedure-rules-general-regulatory-chamber.pdf

² <https://www.legislation.gov.uk/ukpga/2011/25/schedule/6>

4. Of its own motion, the Tribunal therefore proposes to strike out this appeal for want of jurisdiction. Under rule 8 (4) of the Tribunal's rules, the Appellants are entitled to make representations on the proposed strike out before the Tribunal decides whether it does or does not have power to decide their appeal.
5. I have directed accordingly.

Signed
Judge Alison McKenna
Chamber President

Dated: 24 July 2020

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