

IN THE FIRST TIER TRIBUNAL (CHARITY)

GENERAL REGULATORY CHAMBER

Appeal No. CA/2013/0006

BETWEEN:

**(1) JACK SPARROW
First Appellant**

- and -

**THE CHARITY COMMISSION FOR ENGLAND AND WALES
The Respondents**

Appeal No. CA/2013/0007

BETWEEN:

**(2) ROSEMARY CARNE
Second Appellant**

- and -

**(1) THE CHARITY COMMISSION FOR ENGLAND AND WALES
The Respondents**

Appeal No. CA/2013/0008

BETWEEN:

**(3) NIGEL WEPSER
Third Appellant**

- and -

**(2) THE CHARITY COMMISSION FOR ENGLAND AND WALES
The Respondents**

DIRECTIONS

Upon reading the notice of appeal and the response to the notice of appeal in each of the above appeals and upon hearing from each of the Appellants and the Respondents at the Directions hearing held at Bristol Magistrates Court on 7th October 2013

It is ordered that:

The parties in the case

1. These appeals (CCA/2013/0006, 0007 and 0008) are to be heard together.
2. The application by the Trustees of the Recreation Grounds, Bath (the "Charity") to be joined as a party to the appeals is accepted. The Trustees of the Charity have a strong and direct interest in the outcome of the appeals and are in a position to provide the Tribunal with documents, information and/or submissions that may assist the Tribunal and the parties in dealing with the appeals in a fair, just and proportionate manner. Pursuant to Rule 9 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (the "Rules"), the Trustees of the Charity are joined as Second Respondents.
3. The application by the Respondents to join Bath and North East Somerset Council as a party to the appeals is rejected. The Tribunal does not find that this is necessary or advantageous to a fair and just determination of the appeals.
4. Pursuant to Rule 5 of the Rules, the Tribunal will permit the following parties to make submissions and submit information in writing or by e-mail to the appeals on or before 28th October 2013:
 - Bath Rugby Limited, the occupiers of part of the land belonging to the Charity.
 - Mr David John Taylor, who submitted an appeal against the Respondents decision to make a scheme in respect of the Charity outside of the time limit for such an appeal.A copy of the notices of appeal and the responses to them shall be provided to these parties.

The hearing

5. There will be an oral hearing of the appeals. If possible this will take place in January 2014 in or close to Bath.
6. The parties shall within 10 days of receipt of these directions provide to the Tribunal and to the other party details of any dates to avoid for the appeal hearing for themselves, their representatives and any witnesses in January 2014.

The Scope of the Appeals

7. The Second Respondents shall serve on the each of the Appellants and the Respondents and file with the Tribunal any response to each of the notices of appeal on or before October 21st 2013.
8. The Appellants shall serve on the Respondents and file with the Tribunal any reply to the Second Respondents' response to the notice of appeal on or before 28th October 2013.
9. The parties shall agree a list of issues to be resolved by the Tribunal in determining the appeals and file this with the Tribunal on or before 31st October 2013.
10. Each of the parties shall serve upon each other a list of any witnesses that they wish to call to appear at the hearing on or before 7th November 2013.

Preparing the Circulating the Documents that are Relevant to the Appeals

11. All documents to be relied on by any party at the appeal hearing shall be disclosed to the other parties on or before 14th November 2013.

For the avoidance of doubt this should include documents relating to the lease or leases agreed between the Charity and Bath Rugby Limited where these are relevant to the Scheme, even though the Tribunal will not be finally determining their validity or legality.

12. The Respondents shall be responsible for preparing the bundle of documents for the appeal hearing following consultation with the Appellants and the Second Respondents. The Respondents shall ensure that four copies of the appeal bundle are lodged with the Tribunal and that two copies of the appeal bundle are supplied to the other parties not later than 28th November 2013.

Witnesses

13. Each of the parties shall serve upon each other and file with the Tribunal signed statements from any witnesses upon which they intend to rely on or before 10th December 2013.
14. Unless otherwise ordered, any witness statements exchanged are to stand as evidence in chief of the witnesses at the appeal hearing. This means that the witness will not need to repeat the evidence at the hearing, but may be required to answer questions about their evidence from the other parties or the Tribunal.
15. Each of the parties shall serve upon each other and on the Tribunal on or before 17th December a list of the other sides' witnesses that the party requires to attend the hearing and give oral evidence or answer questions about their witness statement at the appeal hearing. This is because witnesses need not attend the hearing if their evidence, as set out in their witness statement, is accepted by the other parties.

Other matters

16. Each of the parties may, should they so wish, submit skeleton arguments briefly setting out the main points that they wish to make in the hearing, 7 days prior to the hearing
17. All parties have liberty to apply for further directions. In the event that either party wishes to apply for further directions, the application shall be made in writing to the Tribunal and a copy sent to the other party. It shall give the reasons for making the application and specify the directions sought from the Tribunal.

In response to the submissions from Mr Sparrow, the Tribunal confirms that its jurisdiction does not permit it to decide on the legality or validity of the lease or leases agreed between the Charity and Bath Rugby Limited in terms that would bind Bath Rugby Limited. The Tribunal's power to transfer proceedings to another court or tribunal would not permit it to extend the scope of the proceedings or to require or permit another court or tribunal to make such a decision. Mr Sparrow is, of course, free to commence alternative proceedings either in addition to, or instead of, this appeal before another court.

The Tribunal notes the helpful offer from the Respondents to ask the Second Respondents to refrain from taking any irrevocable actions to implement the Scheme in respect of the Charity that is the subject of the appeals.

Tribunal Judge

Peter Hinchliffe

Dated 14th October 2013