



**IN THE FIRST TIER TRIBUNAL (CHARITY)**

**GENERAL REGULATORY CHAMBER**

**Appeal No. CA/2011/0007**

**BETWEEN:**

**RAYMOND ALISS and MARTIN HESKETH**

**Appellants**

**- and -**

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

**First Respondents**

**(2) LYTHAM SCHOOLS TRUSTEE LTD**

**Second Respondents**

**(3) THE UNITED CHURCH SCHOOLS TRUST**

**Third Respondents**

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**DIRECTIONS**

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**UPON HEARING** from Counsel for and legal representatives of the Appellants and Respondents at a hearing on 14<sup>th</sup> February 2012

**AND UPON** reading the documents submitted by the Appellants and Respondents

**IT IS ORDERED THAT**

**Disclosure**

1. Paragraph 1 of the Order of the Tribunal dated 9<sup>th</sup> February 2012 is varied such that the documents referred to in that paragraph 1 shall be provided only to the following persons:
  - The Appellants' legal representatives, being presently Hubert Picarda of Queens Counsel and David Coupe solicitor of Coupe Bradbury.

- The Respondents and the legal representatives of the Respondents, being presently those listed in Schedule A to the Order of the Tribunal dated 23<sup>rd</sup> December 2011.
- The Appellants on the terms set out in paragraphs 2 and 3 below.
- The Appellants' educational adviser Professor Neville Woodhead and the Appellants' expert witnesses or potential expert witnesses on the terms set out in paragraphs 2.1 and 3 below.

The Second and Third Respondents may conceal the name and address of any individual who is named and whose address is given in the documents. If the Second or Third Respondents wish to conceal any such information they shall notify the Appellants' legal representatives on or before 7 p.m. on Friday 17<sup>th</sup> February 2012 and provide suitably redacted documents to the Appellants' legal representatives on or before Wednesday 22<sup>nd</sup> February.

2. 2.1 Neither the said documents nor the contents thereof may be disclosed either directly or indirectly to any other person, without the written agreement of each of the Respondents, or in default of agreement, the further Order of the Tribunal made on an application with notice to the Respondents.  
2.2 The Appellants may not take copies or otherwise reproduce the documents nor the contents nor any part thereof.  
2.3 The Appellants may only view the said documents at the offices of their legal representatives or, during the period in which witness evidence is being prepared, at their home address.
3. Paragraph 6 of the said Order dated 23<sup>rd</sup> December 2011 shall be varied so that this paragraph shall extend to the documents disclosed under paragraph 1 of this Order and to any subsequent disclosure by the Appellants or Respondents.

#### **Other Directions**

4. Notwithstanding that the period of 28 days prescribed by Rule 28(2) has elapsed since the service of the three Responses and pursuant to an extension of time granted under Rule 28(3), the Appellants are permitted to serve Replies to these Responses on or before Wednesday 29<sup>th</sup> February 2012.
5. The Appellants shall lodge with the Tribunal and serve on the other parties details of any expert witness statements and expert evidence that they wish to submit relating to (1) educational factors and (2) financial, commercial and risk factors relevant to the issues in this Appeal and shall provide an explanation as to how this evidence will assist in the determination of the Appeal by Wednesday 29 February 2012. The Tribunal will take account of any submissions received from any of the Respondents on or before Friday 2<sup>nd</sup> March 2012 and may thereafter give directions pursuant to Rule 15 (1) (e).
6. The Appellants are permitted to submit a witness statement commenting on the history of the Lytham School Charities and King Edward and Queen Mary School Lytham describing the original purposes of the Lytham School Charities and the governance of these charities and their importance and relevance to the community in Lytham and such witness statement

shall be lodged with the Tribunal and served on the Respondents on or before Thursday 8<sup>th</sup> March 2012.

7. The Appellants and each of the Respondents shall prepare an agreed statement of facts, an agreed list of issues to be determined and an agreed bundle of documents and shall lodge these with the Tribunal and shall serve the same on the other parties on or before Wednesday 2nd April 2012. Each of the Appellants and Respondents shall indicate at that time whether they consent to the Appeal being determined without a hearing.
8. If a hearing is to be held each of the parties shall lodge with the Tribunal and serve on the other parties a skeleton argument and agreed bundle of authorities at least five days before the hearing. If the Appellants or any of the Respondents wish any part of the hearing to be held in private they shall apply to the Tribunal at least five days before the hearing.
9. Any oral hearing shall take place as soon as possible in April 2012 at such date, time and location as the Tribunal shall specify.
10. All documents may be lodged or served by e-mail.
11. **The Tribunal wishes to bring to the attention of the Appellants, the Second Respondent and the Third Respondent the availability of mediation as a means of reaching an amicable resolution of this and the broader dispute that exists between them and their shared interest in the provision of excellent local education facilities and the efficient use of charitable funds. The Tribunal remains willing to facilitate the use, should the parties wish to do so, of mediation to swiftly resolve this Appeal.**

Signed

**Peter Hinchliffe**  
Tribunal Judge

**Dated 16 February 2012**