



**Appeal number: CA/2014/0001
CA/2014/0002**

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

BRYAN GUNN

**First
Appellant**

DONNA NAGHSHINEH

**Second
Appellant**

- and -

**THE CHARITY COMMISSION FOR
ENGLAND AND WALES**

Respondent

TRIBUNAL: JUDGE ALISON MCKENNA

Sitting in Chambers on 12 May 2014

Upon the Tribunal having issued rulings dated 17 April 2014

And upon Bryan Gunn and Donna Naghshineh applying to be substituted for Keith Colman as the Appellants to these appeals

IT IS DIRECTED that

1. Keith Colman is hereby removed as an Appellant to these appeals. Bryan Gunn and Donna Naghshineh are hereby substituted as the First and Second Appellant respectively;
2. The First and Second Appellant have 14 days in which to confirm:
 - (a) whether they are to be represented in these appeals or will represent themselves;

- (b) whether they wish to adopt Mr Colman's submissions in their entirety or wish to substitute their own grounds of appeal in whole or in part;
 - (c) whether they consent to the consolidation of these cases or to a direction that they be heard together and if not why not;
 - (d) whether they wish to apply for a stay of the Tribunal proceedings pending the resolution of proceedings in the High Court and if so on what grounds.
3. The Tribunal will issue further directions depending on the responses to the above, including giving the Charity Commission the right to reply on any new issues or applications.
4. The parties have permission to apply for further directions.

REASONS

5. Following the Tribunal's rulings of 17 April 2014, Mr Gunn and Ms Naghshineh contacted the Tribunal to ask to be substituted for Mr Colman.

6. Mr Gunn and Ms Naghshineh were both charity trustees of the Dove Trust on the 13 December 2013, which was the date that the Charity Commission issued the decisions under appeal. I am told that Ms Naghshineh subsequently resigned as a charity trustee on 3 January 2014 but I am satisfied that she was a person falling under column 2 of the relevant entry to schedule 6 of the Charities Act 2011 on the date that the Charity Commission made its decision and engaged her statutory rights of appeal. The Charity Commission has not objected to the substitution of the First and Second Appellants.

7. I assume that the First and Second Appellants have seen all of Mr Colman's and the Charity Commission's submissions. However, if they would like a further copy then the Tribunal can supply these.

8. It is important for the Tribunal to know whether the First and Second Appellants wish to rely on the submissions Mr Colman previously made or whether they want to raise any arguments of their own, so I have given them some time to consider this. The Tribunal also needs to know whether the same directions are sought i.e. a stay of the Tribunal proceedings pending the resolution of the High Court proceedings and for the two appeals to proceed to hearing separately. I would like to hear the new Appellants' reasons for seeking these directions, if they wish to do so. The Charity Commission will be given an opportunity to respond on any new arguments before I issue a ruling on the applications, if they are pursued.

9. In the circumstances, these appeals will now proceed as directed with the new Appellants substituted, and the appeals will not be struck out. The Tribunal office is to supply the First and Second Appellants with copies of NCVO's Guide to the Tribunal, which includes details of free legal advice agencies.

ALISON MCKENNA

PRINCIPAL JUDGE

DATE: 12 May 2014

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