



**FIRST-TIER TRIBUNAL – GENERAL REGULATORY CHAMBER
Charity**

Tribunal Reference: Appeal Number: CA/2014/0016
Appellant: MOHAMMED ANIQUE
Respondent: THE CHARITY COMMISSION FOR ENGLAND AND WALES

Sitting in public at Birmingham Employment Tribunal on 7 September 2015

Directions

Having heard the Appellant and Mr. Razzaq for the Appellant and Ms. McGarry for the Respondent at a Case Management Hearing

IT IS ORDERED AND DIRECTED AS FOLLOWS:

1. The Appellant's applications for Orders requiring the Respondent to produce further documents and in an unredacted form and to require the charity herein and Mrs. C. Webb and/or Dudley CVS to produce documents are refused.
2. The Tribunal is satisfied that the Respondent is not, and was not, in possession of any further documentation.
3. The Directions issued by the Tribunal on 26 March, are varied in the following respects:
 - (1) the Respondent is deemed to have complied with paragraph 5 of the Directions by having sent the Appellant a consolidated hearing bundle by letter of 19 June 2015;
 - (2) the parties are directed to provide the Tribunal with dates to avoid for the substantive hearing to accommodate their representatives and witnesses during the period between the period 3 November 2015 to 13 November 2015 by 5.00pm on Wednesday 16 September 2015, following which the Tribunal will notify them of the hearing date and venue;
 - (3) the deadline in paragraph 6 of the Directions for exchange of witness statements is varied to 5.00pm on 23 September 2015;

Appellant: Mohammed Anique**Date of decision: 7 September 2015**

(4) the deadline in paragraph 7 of the Directions for the parties to notify each other if they wish to cross-examine any witnesses is varied to 30 September 2015.

REASONS

1. The redacted documentation, already disclosed to the Appellant, was received in that form from the charity, and certified by, inter alia, the Appellant, as being a true record of the members of the charity, the lists having been inspected by, inter alia, the Appellant.
2. Any additional documentation obtained by the Respondent from the charity and/or Mrs. C. Webb has now been disclosed to the Appellant.
3. I am satisfied that no other documentation, whether that specifically requested by the Appellant, or otherwise, is, or has ever been, in the possession of the Respondent. The Respondent asserted at the hearing, confirming the contents of its correspondence to the Appellant dated 19 June 2015 that it searched for the documents highlighted by the Appellant but that it did not possess them. I accepted this evidence.
4. I decline to order that the list of attendees at the EGM of the charity held on 3 November 2013 be disclosed in an unredacted form in circumstances where it was received in this form by the Respondent from the charity and having regard to the wishes of the persons listed in that documentation, the data being personal data. I am not satisfied, in any event, that furnishing this documentation in an unredacted form is essential to the determination of the issues to be determined by the Tribunal in the substantive hearing.
5. I am not persuaded that it is proportionate to order either the charity or Mrs. Webb or CVS Dudley to disclose documents. I am satisfied, on balance, that neither the charity nor Mrs. Webb is in possession of any further documents and there is no certainty that any such documents are in the possession of CVS Dudley, nor that their production, if they existed, would assist the Tribunal in determining the issues in these proceedings.
6. The Appellant accepted at the case management hearing that Documents 6, 9, 21, 30, 92, 117 and 118 in his draft bundle index, dated May 2015, in respect of which disclosure was requested, could be disregarded.
7. The Appellant accepted at the case management hearing that the Respondent is not, and was not, in possession of the documentation requested that related to the 2013 AGM of the charity or the documentation requested that related to the 2013 EGM of the charity. While the Appellant stated he was unsure if the Respondent had, or had, in its possession the documentation requested that related to the second purported AGM of the charity in 2013, I was satisfied that the Respondent was not, and never was, in possession of that documentation.

Direction Notice Continued

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DJ MCMAHON

Tribunal Judge

9 September 2015