



**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 Chambers on 28 September 2015

Directions

Having read correspondence from the Appellant dated 11 September 2015 following the Tribunal's directions issued following the hearing held on 7 September 2015 and correspondence from the Respondent dated 17 September 2015, the said Directions, and those issued on 26 March 2015, are further varied in the following respects:

IT IS ORDERED AND DIRECTED AS FOLLOWS:

1. The deadline in paragraph 6 of the Directions issued on 26 March 2015 for exchange of witness statements is varied to 5.00pm on 5 October 2015.
2. The deadline in paragraph 7 of the said Directions for the parties to notify each other if they wish to cross-examine any witnesses is varied to 9 October 2015.
3. This appeal is listed for oral hearing in Birmingham on Tuesday 24 November 2015 at 9:30am with a time estimate of one day before a Tribunal Judge and two ordinary members of the Tribunal.
4. A final consolidated version of the agreed bundle of documents is to be prepared by the Respondent and forwarded to the Appellant by 5.00pm on Friday 23 October 2015.

REASONS

1. I accepted that, due to reasons of religious practice identified by the Appellant, the deadline for exchange of witness statements should be extended to 5 October 2015.

Appellant: Mohammed Anique**Date of decision: 28 September 2015**

2. In order to meet the interests of this appeal being listed for substantive hearing at the earliest opportunity, the deadline for the parties to notify each other if they wish to cross-examine any of the other party's witnesses is extended to 9 October 2015 only and no later. There seems no reason why this could not be achieved since it is undoubtedly the case that the Appellant knows the identity of his potential witnesses and has known their identity for some time. Since the Appellant is obliged by these varied directions to exchange the written statements of his witnesses by 5 October 2015, a date requested by him, there is no reason why the Respondent could not notify the Appellant by 9 October 2015 which of those witnesses, if any, it wishes to have attend the substantive hearing for cross-examination. The Respondent has confirmed that it has three witnesses and written statements from them have been prepared and have been ready to exchange from July 2015. There is no reason why the Appellant could not notify the Respondent by 9 October 2015 which of those witnesses, if any, once their witness statements are exchanged, he wishes to have attend the substantive hearing for cross-examination.
3. The Appellant indicated that he had 'twelve other witnesses', of whom he proposed to call eight. However, since any witness must provide a witness statement that must be exchanged with the other party in accordance with the Tribunal's directions, and such witness statements stand as the evidence in chief of those witness, the only witnesses of the Appellant who will be required to attend are those, if any, requested by the Respondent. Equally, only those witnesses of the Respondent who have provided witness statements that have been exchanged with the Appellant, whom the Appellant requires to attend for cross-examination, will be required to attend the substantive hearing.
4. I noted the Appellant's request that the substantive hearing not be listed until a date in February 2016. This was due to the availability of the Appellant himself, his representative and his witnesses. This appeal first came before the Tribunal on an interlocutory basis on 24 November 2014. It is in the public interest and in the interests of the parties that this appeal be determined at an early date. Having carefully considered the Appellant's letter dated 11 September 2015, it seems that the Appellant's representative is the only person on the Appellant's side who may be unavailable for the date fixed for the substantive hearing due to 'other business commitments'. The Tribunal considers that this is not a sufficient reason to further delay the substantive hearing herein. I cannot envisage any reason why the Appellant's representative could not make himself available, if requested by the Appellant, for the one day of the substantive hearing. To hold otherwise would represent a disproportionate approach to the hearing and determination of this appeal. The Tribunal does, of course, have an inquisitorial function and this weighed heavily in my decision to list the substantive hearing on the stated date having regard to all the circumstances.

Direction Notice Continued

Tribunal Reference Number: CA/2014/0016

Appellant: Mohammed Anique

Date of decision: 28 September 2015

DJ MCMAHON

Tribunal Judge

28 September 2015