

IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL (CHARITY)

GENERAL REGULATORY CHAMBER

Appeals No: CA/2013/0003 & CRR/2013/0001

BETWEEN:

MOUNTSTAR (PTC) LIMITED

Appellant

and

THE CHARITY COMMISSION FOR ENGLAND AND WALES Respondent

DIRECTIONS

UPON READING the Notices of Appeal, the amended Grounds and the Responses in respect of the above cases

AND UPON hearing from Matthew Smith of counsel for the Appellant and Mr Dibble of the Charity Commission for the Respondent at a telephone directions hearing on 22 July 2013

AND UPON the Respondent confirming that it takes no issue as to the Appellant's standing to bring these proceedings and that the interim manager does not seek to be joined as a party

IT IS ORDERED THAT:

1. Cases numbered CA/2013/0003 & CRR/2013/0001 shall be heard together.
2. The Appellant's detailed statement of grounds and summary of facts filed on 31 May 2013 shall stand as its "Amended Grounds" in each case.

Mode and length of hearing

3. These matters are to be listed for an oral hearing during September 2013 with a time estimate of 2 days. The parties are to provide their dates to avoid to the Tribunal by 2pm on 23 July 2013. The hearing venue (in London) is to be confirmed.

Agreed bundle of documents

4. The parties are to use their best endeavours to agree the contents of a bundle of documents, in accordance with the arrangements set out below.
5. The first draft of the index to the hearing bundle is to be prepared by the Respondent and served on the Appellant no later than 21 days before the hearing.

6. By no later than 14 days before the hearing, the Appellant is to notify the Respondent if there are any additional documents in its possession that it wishes to add to the bundle. The Appellant is to supply a copy of any documents to the Respondent if so requested.

7. A consolidated version of the bundle is to be prepared by the Respondent and forwarded to the Appellant no later than 7 days before the hearing.

Witness statements

8. By no later than 4 weeks before the hearing the parties are to exchange with each other any written witness statements on which they wish to rely or to confirm that they will not be calling witness evidence.

9. If following the exchange of primary witness statements either party decides to prepare statements from additional witnesses such statements should be exchanged by no later than 3 weeks before the hearing.

10. The witness statements referred to in paragraphs 8 and 9 above are each to contain a statement of truth and will stand as evidence in chief at the hearing, although supplementary questions in chief may be asked with the permission of the Tribunal. No party is to call any witness in respect of whom a written statement has not been exchanged without the Tribunal's permission. Each party is to notify the other if they wish to cross examine any witness in respect of whom a statement has been filed by no later than 2 weeks before the hearing.

11. If witness statements refer to any documents in the bundle, the relevant page numbers of the relevant bundle are to be added to the statements and exchanged between the parties.

12. The parties have permission jointly to instruct an expert to prepare and file a report describing the mechanics of HMRC's gift aid scheme. If so instructed, a witness statement from the expert and the report is to be included in the hearing bundle.

Lodging of bundles with the Tribunal

13. A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by the Respondent and four copies are to be lodged with the Tribunal by no later than 7 days before the hearing. A further copy is also to be brought by the Respondent to the hearing for use by witnesses (if any).

Skeleton arguments

14. Skeleton arguments, (together with, if the parties so choose, an agreed chronology and a statement of agreed facts) are to be exchanged by the parties and lodged with the Tribunal by e mail, by no later than 7 days before the hearing.

Bundle of authorities and statutory materials

15. The parties are to agree a bundle of authorities and statutory materials, which will be prepared by the Respondent, by no later than 14 days before the hearing. The index to this bundle is to be sent by e mail to the Tribunal by

5pm no later than 7 days before the hearing and three hard copies are to be lodged with the Tribunal at the hearing.

Other

16. The parties have permission to apply for further directions on notice to the other party.

Alison McKenna
Principal Judge

22 July 2013