



Appeal numbers:

CA/2019/0002

CA/2019/0003

CA/2019/0006

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

**DAVID SWETTENHAM
HELEN KING**

Appellants

- and -

**THE CHARITY COMMISSION FOR
ENGLAND AND WALES**

Respondent

**RULING ON THE ISSUES TO BE
DETERMINED AT THE FINAL HEARING**

Judge Alison McKenna

Sitting in Chambers on 16 August 2019

RULING

The Tribunal hereby adopts the Respondent's proposed issues for determination at the final hearing of these appeals, listed for 2 and 3 October 2019.

REASONS

1. On 1 August 2019, I directed that the Tribunal would rule on the issues to be determined at the final hearing of these appeals if a list of issues was not agreed by the parties.
2. The Appellants have submitted a proposed list of issues dated 7 August 2019. The Respondent has submitted a proposed list of issues, originally sent to the Tribunal on 1 August and re-attached to its e mail of 12 August 2019. I have considered both submissions carefully. This is my Ruling on the dispute as to the issues for determination at the final hearing.
3. I do not blame the Appellants, as litigants in person, for being unfamiliar with the legal principle of *res judicata*. This means that, where a competent court has made a decision which is not subject to appeal, its findings stand, and they cannot be re-litigated.
4. I note that the Appellants' submissions at paragraph 2 (x) expressly invite the Tribunal to re-determine issues on which it has already ruled in its Decision of 10 January 2018¹. This is simply not possible in view of the legal principle to which I have referred.
5. The Respondent is correct to state that the Tribunal at the forthcoming hearing must rely on the Tribunal's earlier findings of mismanagement and misconduct by the Appellants in going on to consider whether to uphold the Orders now under appeal. They go on to set out the correct questions for the Tribunal to ask itself in relation to the relevant statutory tests.
6. I am grateful to the Respondent for its concise submission and now adopt it for use at the forthcoming hearing. Both parties should prepare their cases accordingly.

Signed

**Alison McKenna
Chamber President**

Dated: 16 August 2019

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1

<http://charity.decisions.tribunals.gov.uk/documents/decisions/Decision%2010%20January%202018.pdf>

