



Appeal number: CA/2012/0003

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

- (1) MICHAEL SIMON BESLEY**
- (2) LAURENCE EDWARD BUCKLEY**
- (3) MICHAEL GEORGE SCOTT**
- (4) ANTHONY DAVID WALLIS**
- (5) JOHN DUDLEY WALLIS**

First Appellants

- (6) LEE ARMSTRONG**
- (7) NEIL CHRISTIE**
- (8) JONATHAN NIGEL EDWARDS**
- (9) ROY HARDING**
- (10) JAMES BRIAN SOULSBY**

Second Appellants

and

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

TRIBUNAL: JUDGE ALISON MCKENNA

Sitting in public at Central London Civil Justice Centre on 3 December 2012

Having heard Michael Beloff QC and Matthew Smith of counsel for the Appellants and Kenneth Dibble of the Charity Commission for the Respondents

And upon the Tribunal declining to refer this appeal to the Chamber President to consider transfer to the Upper Tribunal (Tax and Chancery Chamber) in view of the absence of a discrete point of law on which the appeal turns, the substantial factual evidence which must be heard in order to determine this appeal and the desirability of

factual disputes being decided by the First-tier Tribunal so as to include the Tribunal's lay members on the panel

IT IS DIRECTED that

1. Case number CA/2012/0003 shall apply to the First Appellants' appeal and a separate case number shall be given to the Second Appellants' appeal. These appeals shall be consolidated and heard together;
2. The parties are to prepare short statements of case together with an outline of the evidence they propose to put before the Tribunal in support of it. The Respondent is to file and serve its statement of case by 5pm on 25 January 2013 and the Appellants are to file and serve their statement of case by 5pm on 1 February 2013;
3. This matter is to be listed for hearing with a 5 day time estimate, to commence on 25 March 2013 or such other date as the Tribunal may direct. The parties are to confirm their availability for the hearing by 5pm on Friday 7 December 2012;
4. The parties are to file and exchange the witness statement of any witness upon whom they propose to rely at the hearing by 5pm on 8 February 2013. Permission is given to the Respondent to file and serve any statement without including the name and address of the witness making it, provided that this information is at the same time provided to the Tribunal in confidence;
5. The witness statements exchanged and filed under paragraph 4 above shall stand as the evidence in chief of that witness who shall not attend to give oral evidence without the permission of the Tribunal unless one party notifies the other that it requires the witness to attend for cross-examination, in which case they are directed to attend the hearing. Notification of a requirement for any witness to attend for cross examination is to be sent to the other party by no later than 14 days before the hearing. The parties are to inform the Tribunal promptly if the time estimate at paragraph 3 above is no longer accurate once the number of witnesses attending for cross examination is known;
6. The Respondent may, at the same time that it serves and files its witness statements under paragraph 4 above, file and serve any application for special measures to be adopted in relation to the cross examination of that witness. Any such application is to explain why the witnesses' evidence is relevant to an issue before the Tribunal, why such measures are necessary in order to obtain the best quality evidence from that witness, and is to propose the particular special measures requested (for example, for the witness to remain anonymous to the Appellants, to be screened off at the hearing, to give evidence by video link and/or for any part of the hearing to be held in private session). The Appellants may make written submissions in response within 7 days of any such application, following which the Tribunal will rule in writing and issue consequential directions for the hearing, unless either party requests an oral case management hearing on these issues in which case the Tribunal will convene a further hearing before ruling;
7. The parties shall agree a bundle of evidence and documents to be used at the hearing of the appeals as follows:

- (a) The Appellants shall send to the Respondent a draft index to a bundle no later than 28 days before the hearing;
 - (b) The Respondent shall send to the Appellants any suggested changes to the index by no later than 21 days before the hearing;
 - (c) The Appellants shall no later than 14 days before the hearing provide the Tribunal with 4 hard copies of the paginated and indexed bundle and shall provide the Respondent with 2 copies;
8. The Appellants may file and serve a skeleton argument no later than 14 days before the hearing;
9. The Respondent may file and serve a skeleton argument no later than 7 days before the hearing;
10. The parties are to agree a timetable of evidence and submissions for the hearing and provide this to the Tribunal no later than 7 days before the hearing;
11. The parties are to agree a bundle of authorities and statutory materials. Three hard copies are to be brought to the hearing by the Appellants and the index is to be e mailed to the Tribunal by no later than 7 days before the hearing;
12. The parties are to serve copies of their respective statements of case (prepared under paragraph 2 above) by e mail to the solicitors for the Christian Institute, on the dates when they are filed with the Tribunal, following which the Tribunal will invite the Christian Institute to inform the Tribunal and the parties by 15 February 2013 whether it considers that there are any matters in the statements of case in relation to which it can make a relevant intervention. The parties are to make any further submissions on this issue in writing to the Tribunal by 22 February 2013, following which the Tribunal will rule in writing on the Christian Institute's application to intervene in these proceedings and give any consequential directions for its participation in the proceedings by 28 February 2013;
13. Except where stated otherwise, all evidence and submissions may be filed with the Tribunal and exchanged between the parties by e mail;
14. The parties are permitted to apply in writing to amend these directions or for further directions (if possible by joint application with draft agreed directions).

Alison McKenna
TRIBUNAL JUDGE

DATED: 3 December 2012

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