

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

**Appeal No: CA/2011/0007**

**JUDGE ALISON McKENNA  
23<sup>rd</sup> DECEMBER 2011**

**B E T W E E N :**

**(1) RAYMOND ALISS  
(2) MARTIN HESKETH**

**Appellants**

**- AND -**

**(1) THE CHARITY COMMISSION FOR ENGLAND AND WALES  
(2) LYTHAM SCHOOLS TRUSTEE LTD  
(3) THE UNITED CHURCH SCHOOLS TRUST**

**Respondents**

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**ORDER**

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**UPON HEARING** counsel for the Appellants, Mr Dibble and Mr Kilby of the First Respondent, the solicitor for the Second Respondent and counsel for the Third Respondent

**AND UPON** reading the documents

**AND UPON** the Appellants by their counsel withdrawing their application for an order in the terms set out at paragraph 9(2) of their Notice of Appeal

**AND Upon** the Tribunal being informed that the Appellants object to paragraph 6 below

**IT IS ORDERED THAT**

**Disclosure**

1. Subject to further Order of the Tribunal as to whether the documents in question should or should not be disclosed to the Appellants or others, the documents referred to at A2, A3, A5, A6, A7, A8, A9, A10 and B7 of the email from the solicitors of the Second Respondent to the Tribunal dated 22<sup>nd</sup> December 2011 shall be provided to the legal representatives of the Appellants named in Schedule A hereto as soon as practicable and in any event by 9<sup>th</sup> January 2012.
2. Neither the documents to be disclosed to the Appellants' legal representatives pursuant to paragraph 1 above nor the contents thereof may be disclosed either directly or indirectly to any other person, including for the avoidance of doubt the legal representative's clients, without the written agreement of all of the Respondents, or in default of agreement, further order of the Tribunal made on an application with notice to the Respondents.
3. A Respondent seeking to limit disclosure of any further documents to be listed in any list of documents prepared pursuant to Rule 27 shall make an application to that effect by 5pm on 9<sup>th</sup> January 2012. Documents identified in such an application shall not be subject to Rule 30 and shall not be provided to the Appellants pending the determination of the application. In the first instance documents which are the subject of such an application and any submissions as to why inspection of those documents should be limited shall be provided to the Tribunal only.
4. The Respondents are to co-operate in identifying the further documents which will appear on their respective lists of documents and which will be the subject of an application under paragraph 3 above by any one of them. No disclosure to the Appellants may be made by any Respondent prior to 10<sup>th</sup> January 2012 without the consent of all other Respondents.
5. Copies of documents which are not to be subject to an application pursuant to paragraph 3 above shall be provided to the other parties to this appeal in accordance with Rule 30. This paragraph is without prejudice to the restriction on disclosure of the documents set out in paragraph 1 above imposed by paragraph 2 above.

6. Documents provided to a party pursuant to Rule 30 or by way of voluntary disclosure and any list of documents served by a party may be used only for the purposes of this Appeal and shall not therefore be published beyond the Tribunal, the parties and their legal advisers except with the consent of the Respondents and failing that with the authority of the Tribunal.
7. The Order of 15<sup>th</sup> December 2011 is varied by the deletion of paragraph 3 thereof.
8. The Appellants have permission to apply on notice to vary paragraph 6 above, any such application to be supported by written reasons for making the application.

### **SCHEDULE A**

#### Appellants

Mrs Francesca Quint of counsel, Radcliffe Chambers  
Mr David Coupe, solicitor, of Coupe Bradbury

#### First Respondent

Mr Kenneth Dibble, Legal Services, Charity Commission  
Mr James Kilby, Legal Services, Charity Commission

#### Second Respondent

Mr Matthew Smith of counsel, Maitland Chambers  
Ms Tabitha Cave and Ms Rachel Tonkin, solicitors, of Veale Wasbrough Vizards

#### Third Respondent

Mr Mark Mullen of counsel, Radcliffe Chambers  
Mr Stephen Cole and Mr Chris Knight, solicitors, of Hewitsons LLP.

Signed:

Dated: 30 December 2011

Judge Alison McKenna



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Hewitsons LLP

Solicitors for the Third Respondent