



IN THE FIRST TIER TRIBUNAL (CHARITY)

GENERAL REGULATORY CHAMBER

Appeal No. CA/2011/0007

BETWEEN:

**RAYMOND ALISS and MARTIN HESKETH
Appellants**

- and -

**(1) THE CHARITY COMMISSION FOR ENGLAND AND WALES
First Respondents**

**(2) LYTHAM SCHOOLS TRUSTEE LTD
Second Respondents**

**(3) THE UNITED CHURCH SCHOOLS TRUST
Third Respondents**

DIRECTIONS

UPON RECEIVING and reviewing the responses from each of the parties to the Tribunal's Decision on a Preliminary Matter dated 17th May 2012

THE TRIBUNAL ISSUES THE FOLLOWING DIRECTIONS

1. The Tribunal has reviewed the responses of the parties that were submitted in response to paragraph 12 of the Decision on a Preliminary Matter.
2. The Tribunal notes the request from the First Respondent to clarify the proper interpretation of two of the proposed amendments to the Scheme. The Tribunal confirms that the amendment to clause 4 of the Scheme should have the effect that means-tested bursaries can only be given to those pupils attending the School who reside in or near Lytham St. Anne's. The Tribunal further confirms that the proposed amendment to clause 8 of the Scheme should have the effect that the land that is subject to the Lease may only be used as a School that will further the objects of the Charity. The Tribunal does not however exclude the possibility that the Charity may have authority under the terms of the Lease to consent to different or ancillary uses of parts of the land that is the subject of the Lease, where such use is compatible with the objects of the Charity.
3. The Tribunal notes the responses of the Second Respondent and Third Respondent and the Second Respondent's request that the terms of the Scheme are updated to refer to the

Charities Act 2011. The Tribunal recognises the merits in this proposal and requests that the parties prepare and agree a revised version of the Scheme that incorporates reference to the Charities Act 2011.

4. The Tribunal notes the response from the Appellants and the request that the Tribunal should comment on the detailed arguments put forward by the Appellants for further amendment to the terms of the Lease and the Transfer Agreement. The Tribunal does not propose to make any comment on the terms of the Lease or the Transfer Agreement. Similarly, the Tribunal will not determine or require any specific amendment to the Lease or the Transfer Agreement. However, the Tribunal will consider and finally determine any amendments to the Scheme where these are required in order to permit or require any amendments to the Lease or the Transfer Agreement.

5. The Tribunal wishes to allow the parties time to reach agreement on any amendments to the Lease, over and above those that the Second Respondent and the Third Respondents circulated to the Appellants, the First Respondent and the Tribunal prior to the issue of the Decision on a Preliminary Matter, and to the Transfer Agreement.

6. The parties are to use their best endeavours to reach agreement on any additional amendments to the terms of the Scheme, over and above those proposed by the Tribunal in the Decision on a Preliminary Matter, where such amendments are required in order to permit or require any amendments to the Lease or Transfer Agreement.

7. The parties shall notify the Tribunal on or before 2nd July 2012 whether they have reached agreement in principle on any amendments to the Lease, the Transfer Agreement or the Scheme. Where agreement has been reached, the parties shall provide details of the revised terms to the Tribunal and a draft of the Scheme incorporating any agreed amendments.

8. The Tribunal will finally determine the Appeal in a hearing to be held as soon as possible after the 9th July 2012. The Tribunal will determine the terms of the Scheme at this hearing. The parties are to confirm, on or before 4th July 2012, whether they wish this final hearing to proceed on paper or as an oral hearing. The Tribunal shall notify the parties as soon as possible of the likely date and venue for such hearing.

9. Permission to all parties to apply for further directions including permission to request a further telephone directions hearing prior to 4th July 2012 is granted.

SIGNED

DATED 14th June 2012

Peter Hinchliffe
Tribunal Judge