



Appeal number: CA.2021.0013

FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(CHARITY)

MERMAIDS

Appellant

- and -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

First

Respondent

- and -

THE TRUSTEES OF LGB ALLIANCE

Second

Respondent

DIRECTIONS

FURTHER TO THE APPLICATION FOR AN EXTENSION OF TIME MADE BY THE SECOND RESPONDENT AND THE REPLY FROM THE APPELLANT DATED 23 FEBRUARY

IT IS DIRECTED THAT

1. This appeal is listed to be determined at a 2-day hearing in London on 10 and 11 May 2021. I note that the parties now believe that this estimate may not be sufficient, further direction in this regard is made below
2. All issues in dispute between the parties are to be determined by the Tribunal following a final hearing.
3. Paragraphs 5 onwards of the Order of Judge Macmillan dated 24 January 2022 shall no longer apply and are replaced by the further directions set out below.

The paragraph numbers are preserved for ease of reference, changes are underlined.

Witness statements

4.....complied with....

5.By 5pm on 14 March 2022 the Respondents are to serve on Mermaids any written witness statements on which they wish to rely at the hearing, or must confirm that they will not be calling witness evidence.

6.If witness statements refer to any documents in the bundle, they should give the bundle reference.

7.The witness statements (which must contain a statement of truth) are to stand as evidence in chief at the hearing, although supplementary questions 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.

8.Each Party is to notify the other Parties if they wish to cross examine any witness in respect of whom a statement has been filed by 5pm on 28 March 2022.

Agreed bundle of documents

9.The Parties are to use their best endeavours to agree the contents of a bundle of documents for the Tribunal hearing in accordance with the arrangements set out below:

- a. The first draft of the index to the hearing bundle is to be prepared by Mermaids and served on the Respondents by 5pm on 28 March 2022;
- b. By 5pm on 4 April 2022, the Respondents are to notify Mermaids whether there are any additional documents in their possession that they wish to add to the bundle;
- c. All Parties must supply a copy of any relevant document to the other parties if requested;
- d. A consolidated electronic version of the bundle is to be prepared by Mermaids and forwarded to the Respondents by 5pm on 11 April 2022.

Lodging of bundles with the Tribunal

10. A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by Mermaids. The bundle will be provided by electronic means only and will be with the Tribunal no later than 5pm on 20 April 2022 to allow for the bank holidays.

Skeleton arguments

11. Statements of Case (skeleton arguments) are to be dealt with as follows:
 - a. On or before 27 April 2022, Mermaids will send its skeleton argument to the other parties and the Tribunal.
 - b. On or before 5 May 2022, the Respondents will send their skeleton arguments to the other parties and the Tribunal.
12. The Parties are to use their best endeavours to agree a proposed reading list for the Tribunal, a chronology, a schedule of agreed facts and a list of issues to assist the Tribunal, as follows:
 - a. the Appellant shall serve a first draft of these documents with its skeleton argument;
 - b. the Respondents shall confirm, when filing their skeleton arguments, the extent to which the Appellant's drafts are agreed;
 - c. to the extent that they have been agreed, these documents must be sent to the Tribunal on or before 5 May 2022.

Bundle of authorities and statutory materials

13. The Parties are to use their best endeavours to agree a bundle of authorities and statutory materials. The authorities bundle must contain only those authorities specifically referred to in the skeleton arguments. The Appellant is to send a final electronic copy of the authorities bundle to the other parties, and lodge it by electronic means with the Tribunal, by no later than 5pm on 5 May 2021.

Preliminary issue

14. At the substantive hearing on 10 May 2022 the Tribunal will determine, as a preliminary issue, whether the Second Respondent should be as currently averred, or should instead be 'The LGB Alliance'.

Time estimate and dates to avoid

15. The parties will endeavour to provide an agreed time estimate for the hearing by 5pm on 28 March 2022. The Tribunal understands that this will be an estimate, but if the hearing on 10 May 2022 is to be extended the tribunal administration will need to make enquiries of the venue about whether the new estimate can be accommodated as soon as possible. Any issue with the parties' representatives' or witnesses' date to avoid should be brought to the attention of the Tribunal by this date.

16. The Tribunal Clerk will refer this case to a judge for consideration of whether further directions are needed on receipt of the agreed estimate above or on 29 March 2022 whichever is the sooner.

Tribunal Judge Lynn Griffin

Dated: 4 March 2022