



Appeal number: CA/2021/0013

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

Before

**TRIBUNAL JUDGE LYNN GRIFFIN
TRIBUNAL JUDGE NEVILLE**

MERMAIDS

Appellant

v

THE CHARITY COMMISSION FOR ENGLAND AND WALES

**First
Respondent**

And

LGB ALLIANCE

Second Respondent

Representation

**Mr M Gibbon KC, and Mr Loveday for the appellant,
Mr Steele for the first respondent and
Ms Monaghan KC, and Ms Reindorf for the second respondent**

Decision

1. The first day of this appeal took place on 9 September 2022. It will continue on 12 September 2022 at 10am.

Live tweeting

2. At the hearing on 9 September 2022 the tribunal gave an oral ruling on the application to allow live tweeting from the hearing room. We decided that
 - a. Live-tweeting of an accurate factual account of the proceedings is in the interests of open justice.
 - b. anyone attending has permission to live-tweet provided they do so appropriately.
 - c. Any live tweeting and reporting must (i) comply with the general law and the existing directions of this tribunal, and (ii) not interfere with the proper conduct of proceedings or evidence.
 - d. Any errors in live tweeting must be swiftly corrected by the original author.

Application to publish witness statements and/or other material

3. We heard submissions and considered the case of Dring v Cape Intermediate Holdings Ltd [2020] AC 629 case concerning how much of the written material placed before the court in a civil action should be accessible to non-parties. The guidance given is intended to apply to all courts and tribunals. At paragraph 41 of the judgment the then President of the Supreme Court Baroness Hale said “The constitutional principle of open justice applies to all courts and tribunals exercising the judicial power of the state.” The two principal purposes of the open justice principle are to enable public scrutiny of the way in which courts decide cases, to hold judges to account for the decisions they make and to enable the public to have confidence that they are doing their job properly. The second is to enable the public to understand how the justice system works and why decisions are taken.
4. We have decided that the principle of open justice as it applies in this case requires that as much of the bundle as possible is available to the public to enable them to properly understand these proceedings. We have asked the parties to discuss which parts of the bundle should not be disclosed to the public and about the practicalities of publication and we will make additional directions once we have heard further from the parties.
5. Tribunal Judge Griffin and Tribunal Judge Macmillan (as she then was) have previously made directions about the sharing of documentation pursuant to rule 14(1). Those directions continue to apply until further order.

The description of the second respondent

6. It was not in dispute that the second respondent should more properly be referred to by reference to the incorporated entity LGB Alliance, a company limited by guarantee.

7. We were informed that the company had resolved to take part in these proceedings by way of application to intervene and the terms of the application to intervene was in error in referring to the "Trustees of the LGB Alliance". Ms Monaghan will be providing the Tribunal with a copy of the resolution referred/board minute.
8. Pursuant to rule 9 of the tribunal rules we substitute the company, LGB Alliance, for the current second respondent.
9. The only disagreement between the parties was whether the consequence of our decision is that LGB Alliance will be treated as if it had always been the second respondent for all purposes henceforth. We make no finding about whether our decision has retrospective effect on the liability of any person, in costs or otherwise, and will determine this issue if it becomes necessary to do so in the context of any later application in this case.

The second respondent's application to adduce a further witness statement

10. The second respondent has applied to adduce a second statement of Eileen Gallagher dated 31 August 2022. No objection was raised to the admission of the statement, albeit observations were made about the fact that it was served after the deadline for the service of witness statements and without prior application to the tribunal for an extension of time.
11. Having regard to rules 5 and 15 in the context of the overriding objective in rule 2, we extend time for the service of the second statement of Eileen Gallagher and for it to be adduced in evidence.

Lynn Griffin

Tribunal Judge Lynn Griffin

9 September 2022