



**Appeal number: CA/2018/0006**

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

**Edward Robert Smyth**

**Appellant**

**- and -**

**THE CHARITY COMMISSION FOR ENGLAND    Respondent  
AND WALES**

**DIRECTIONS**

The Tribunal having received a Notice of Appeal on 22 August 2018.

**IT IS DIRECTED THAT:**

- 1. The Respondent must send its Response by 19 September.**
- 2. The Appellant must send any Reply (which is optional) to the Response by 17 October.**

3. The Respondent is to confirm any secondary disclosure by 31 October.
4. The parties are to use their best endeavours to bring this matter to a hearing during the month of January 2019.
5. The parties are to use their best endeavours to **agree Directions based on the model paragraphs below**. Agreed Directions are to be sent to the Tribunal by the date that the Appellant is due to send its Reply [paragraph 2 above]. If any matters are not agreed by the parties at that date, the Tribunal will rule on them.

### **Model Paragraphs**

#### **6. Preliminary Issues**

The Appellant/Respondent wishes to raise a preliminary issue/ request directions for the following reasons...

#### **7. Hearing**

- (a) *Either:*
  - (i) The parties agree to this matter being determined on the papers without an oral hearing *or*
  - (ii) The parties require an oral hearing.
- (b) It is anticipated that the hearing will last half a day/one day/# day (s).
- (c) If there is to be an oral hearing:
  - (i) the parties request it to be held in #.
  - (ii) The parties have the following requirements (access, interpreter etc)
  - (iii) The parties are to send the Tribunal a list of any dates in the month of # [see paragraph 4 above] when they, their representative or any witnesses will **not** be available to attend a hearing, by no later than 5pm on [Date for Reply under paragraph 2 above].
- (d) The Tribunal will inform the parties of the hearing date and location (if an oral hearing) as soon as possible.

#### **8. Agreed bundle of documents**

- (a) The parties are to use their best endeavours to agree the contents of a bundle of documents for the Tribunal hearing (whether oral or on the papers), in accordance with the arrangements set out below:
  - (i) The first draft of the index to the hearing bundle is to be prepared by the Respondent and served on the Appellant by 5pm on # ;
  - (ii) By 5pm on #, the Appellant is to notify the Respondent whether there are any additional documents in its possession that it wishes to add to the bundle. The Appellant is to supply a copy of any documents to the Respondent if requested;
- (b) A consolidated version of the bundle is to be prepared by the Respondent

and forwarded to the Appellant by 5pm on # .

### **9. Witness statements**

(a) By 5pm on # the Appellant is to serve on the Respondent any written witness statements on which it wishes to rely at the hearing or confirm that it will not be calling witness evidence. (If witness statements refer to any documents in the bundle, the relevant page number is to be used in the final version of the hearing bundle (but this can be done by adding a note to the margin of the witness statement once the page numbers of the bundle are known).

(b) By 5pm on # the Respondent is to serve on the Appellant any written witness statements on which it wishes to rely at the hearing or to confirm that it will not be calling witness evidence.

(c) 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).

(d) Each party is to notify the other if they wish to cross examine any witness in respect of whom a statement has been filed by 5pm on # .

### **10. Lodging of bundles with the Tribunal**

(a) A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by the Respondent.

(b) Four copies are to be lodged with the Tribunal no later than ten days before the hearing date.

(c) A further copy is also to be brought by the Respondent to an oral hearing for use by witnesses (if any).

### **11. Skeleton arguments**

(a) Statements of Case (skeleton arguments) are to be exchanged by the parties and lodged with the Tribunal by e mail, by no later than 10 days before the hearing date.

(b) The parties are to use their best endeavours to agree a chronology, a schedule of agreed facts and a list of issues to assist the Tribunal. These are to be sent with the skeleton arguments.

### **12. Bundle of authorities and statutory materials**

The parties are to use their best endeavours to agree a bundle of authorities and statutory materials, in accordance with the directions below:

(a) The first draft of the index to the authorities bundle is to be prepared by the Respondent and served on the Appellant by 5pm on # .

(b) The Appellant is to notify the Respondent whether there are additional materials which he wishes to be included in the authorities bundle by 5pm on #.

(c) The index to the consolidated version of the authorities bundle is to be prepared by the Respondent and provided to the Appellant and the Tribunal by e mail, no later than seven days before the hearing date. If

possible, there should be a hyper-link from the index to the materials themselves.

(d) The Respondent is to serve three hard copies of the authorities bundle on the Tribunal and send one to the Appellant by no later than seven days before the hearing. The Authorities bundle must contain only those authorities specifically referred to in the skeleton arguments.

### **13. Other**

The parties have permission to apply to vary these directions or to apply for further directions provided such application is in writing setting out the full reasons for the application and (where applicable) before the time limit for complying with the direction has been reached.

Signed

Judge Alison McKenna  
**Chamber President**

Dated: 23 August 2018

© CROWN COPYRIGHT 2018