



**Appeal number: CA/2017/0004**

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

**The Trustees of JUST**  
**(Charity number 1121981)**

**Appellant**

**- and -**

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

**Respondent**

**Tribunal: Judge Alison McKenna**  
**Sitting in Chambers on 26 April 2017**

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**DIRECTIONS**

The Tribunal having received a Notice of Appeal on 26 April 2017 which  
concerns (i) an appeal against an Order under s. 52 of the Charities Act 2011,  
made on 16 March 2017 and (ii) an appeal related to s. 60 of the Charities Act  
15 2011

**IT IS DIRECTED THAT:**

1. The Appellant is to:
  - (a) confirm in writing within 14 days of the date below which part(s) of s. 320 of the Charities Act 2011<sup>1</sup> it relies upon for the purposes of the s. 52 appeal<sup>2</sup>;
  - (b) confirm in writing whether it accepts that the s. 60 matter relied on in the grounds of appeal is outside of the Tribunal's jurisdiction because it is not listed in column 1 of schedule 6 to the Charities Act 2011 or whether it asks the Tribunal formally to rule on that issue;
  - (c) provide the Tribunal with an amended Notice of Appeal listing individual Appellants (as the charity is unincorporated) and which is signed by those individuals.
2. The Respondent must send its Response no later than 28 days after the Appellant has complied with paragraph 1. The Respondent need only respond in respect of the appeal under s. 52 of the Charities Act 2011 unless the Tribunal orders otherwise;
3. The Appellant may (but need not) send a Reply no later than 28 days after Response.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/25/section/320>

<sup>2</sup> *The scope of a s. 52 appeal was recently considered by the Court of Appeal in Watch Tower Bible & Tract Society of Britain and Others v The Charity Commission [2016] EWCA Civ 154 (15 March 2016) - see <http://www.bailii.org/ew/cases/EWCA/Civ/2016/154.html>*

4. The Respondent is to confirm any secondary disclosure no later than 14 days after date of the Reply, if sent.
5. The parties are to use their best endeavours to bring this matter to a hearing during the month of September 2017.
6. 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 (see paragraph 3 above). If any matters are not agreed by the parties at that date, the Tribunal will rule on them.

**Model Paragraphs**

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

- 8. 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 September 2017 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 3 above].
  - (d) The Tribunal will inform the parties of the hearing date and location (if an oral hearing) as soon as possible.

**9. 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

5 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.

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(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.

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### **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.

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(Signed)  
**Alison McKenna**  
**Principal Judge**

Dated: 26 April 2017

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