



Appeal number: CA/2014/0008

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

JASTINDER KAUR

Appellant

- and -

**THE CHARITY COMMISSION FOR
ENGLAND AND WALES**

Respondents

TRIBUNAL: JUDGE ALISON MCKENNA

Sitting in Chambers on 16 July 2014

Having considered correspondence from the Appellant and from Ernest Giles

IT IS DIRECTED of the Tribunal's own motion that:

1. If they wish to appeal to the Tribunal in respect of the Respondent's Order of 21 May 2014, Mr Ernest Giles and Mrs Gursharan Kaur must send completed Notices of Appeal to the Tribunal within 14 days of the date appearing below. Blank forms for them to complete are to be sent with these directions to their home addresses;
2. If Mr Ernest Giles and Mrs Gursharan Kaur do each send Notices of Appeal to the Tribunal in accordance with paragraph 1 above, they are to indicate on their respective forms whether they wish Miss Jastinder Kaur to act as their representative in the appeals;
3. If Mr Ernest Giles and Mrs Gursharan Kaur do appoint Miss Jastinder Kaur to represent them in their appeals, they are to comply with rule 11 (2) of the Tribunal's Rules by sending to the Tribunal and to every other party written notice of their representative's name and address. If rule 11 (2) is complied with, then the Respondent must thereafter comply with rule 11 (4) and send all documents in the appeal to the representative only and not to the represented party.
4. The parties have permission to apply to set aside or vary these directions.

REASONS

5. On 21 May 2014 the Respondent served an Order, pursuant to s. 52 (1) (a) of the Charities Act 2011, on Mr Ernest Giles, Mrs Gursharan Kaur and Miss Jastinder Kaur. The Order required them to furnish certain information regarding a charity known as Childless Widows and Orphans registered number 1091606, by 11 June 2014.

6. On 30 June 2014 Miss Jastinder Kaur filed a Notice of Appeal with the Tribunal. She described herself as “*trustee; secretary*” and stated that she was submitting the appeal “*on behalf of the charitable trust and its officers*”. She signed the form as “*the appellant*” and not as “*the representative of the appellant*”.

7. Miss Jastinder Kaur has subsequently informed the Tribunal administration that she wishes to act as the representative of Mr Ernest Giles and Mrs Gursharan Kaur. I have seen a letter from Mr Ernest Giles to that effect.

8. Section 52 (1) (a) of the Charities Act 2011 permits the Charity Commission to require any person by order to provide it with information in that person’s possession relating to a charity. Section 319 (2)(b) and the relevant entry at column 2 in schedule 6 to the Charities Act 2011 together provide that an appeal against the s. 52 Order can be brought by “*any person who is required to supply the information or document*”.

9. It follows that each person to whom a s. 52 Order is addressed has a right of appeal to the Tribunal against that Order. Where, as here, the Order is addressed to several people at once, some of them may choose to exercise that right of appeal and some may not. The statutory provisions do not provide for an appeal against a s. 52 Order to be brought by one person on behalf of others or for one person to bring an appeal on behalf of a charitable trust. A charitable trust has no legal personality and may not be a party to proceedings in its own right.

10. The Tribunal’s rules allow for an Appellant to appoint a legal or a non-legal representative to represent them in their appeal. However, a representative can only be appointed by an Appellant. The way that a person becomes an Appellant is for them to file a Notice of Appeal.

11. As matters stand, Miss Jastinder Kaur is the only Appellant in this appeal. The Tribunal administration has advised her that Mr Ernest Giles and Mrs Gursharan Kaur need each to file their own Notices of Appeal if they wish to become Appellants but she has rejected this advice in strong terms. For this reason I have ruled formally on the matter and issued the directions above.

PRINCIPAL JUDGE

16 July 2014

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