

BETWEEN:

TAYO, BAILEY, HALLS, JONES, ROWARTH & FLANAGAN

**(TRUSTEES OF MANCHESTER NEW MOSTON CONGREGATION OF
JEHOVAH'S WITNESSES)**

Appellants

- AND -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

Directions

Tribunal: Judge Alison McKenna

Upon hearing from Richard Clayton QC for the Appellants and Iain Steele of counsel for the Respondent by telephone conference call on 12 September 2014

IT IS DIRECTED AS FOLLOWS

1. This matter is to be determined at an oral hearing in London on a date to be fixed.
2. No direction is made on the Respondent's rule 14 application, and the Tribunal makes no finding in respect of the rule 14 criteria, but the parties have agreed as follows:
 - a. Upon Mr Clayton QC and Mr Parkhill, leading and junior counsel for the Appellants, providing an undertaking to the Respondent that they will not disclose to any person the information provided to them pursuant to this sub-paragraph, the Respondent shall, after 25 September 2014, deliver to the Appellants' counsel one un-redacted copy of each of the documents it seeks to withhold, or in part withhold, from the Appellants.
 - b. The Respondent shall send to the Appellants' counsel, by e mail, redacted versions of the four documents that are not being withheld in their entirety in a form that may be seen by the Appellants.
 - c. The Appellants shall have liberty to apply for disclosure, to them, of any or all of the documents the Respondent seeks to withhold or redact. Any such application shall be made in accordance with

paragraphs 7 and 12.

Agreed bundle of documents

3. The parties are to use their best endeavours to agree the contents of a bundle of documents to be used at the final hearing of this appeal, in accordance with the arrangements set out below.
4. The first draft of the index to the hearing bundle and copies of the documents listed therein are to be served by the Respondent on the Appellants by 5pm on 25 September 2014. The index shall specify each and every document listed individually and provide each and every one of the documents so specified (but the documents need not be paginated at this stage).
5. By 5pm on 9 October 2014, the Appellants are to notify the Respondent whether there are any additional documents in their possession that they wish to add to the bundle and shall at the same time supply a copy of any such documents to the Respondent.
6. A consolidated and paginated version of the bundle is to be prepared by the Respondent and forwarded to the Appellants by 5pm on 16 October 2014.
7. If a party wishes another party to give specific disclosure of documents which the latter has declined to give, they are to apply to the Tribunal setting out the specific documents sought and the basis on which it is said that disclosure is necessary for a fair and just disposal of the proceedings. Any such application shall be made at least fourteen days before the Case Management Hearing referred to below, in accordance with paragraph 12 below, and shall be determined by the Tribunal at that hearing.

Witness statements

8. By 5pm on 13 November 2014 the parties may exchange with each other any written witness statements on which they wish to rely at the final hearing. If a party will not be relying on any witness evidence they shall, by the same date, notify the other party. The Appellants have permission to reserve the filing of any of their witness evidence until after the Case Management Hearing if the issues which that witnesses' evidence will cover are affected by an application for disclosure to be determined at the Case Management Hearing. If this is the case then further directions in relation to witness evidence will be given at the Case Management Hearing. If witness statements refer to any documents in the bundle, the relevant page numbers are to be given. The witness statements are to stand as evidence in chief at the final hearing and if there is no notification to the other party of a request to cross examine any witness, the Tribunal will rely on the written witness statement only.
9. If a party wishes to cross examine any witness in respect of whom a statement has been filed, they are to notify the other party that they require

that witness to attend the final hearing by no later than 14 days after service of the witness statement. If either party wishes to object to the requirement for attendance of their witness for cross examination on the basis that no aspect of the other party's pleaded case will be advanced by cross examination of that witness, then an application for a direction under rule 15 must be made to the Tribunal no later than ten days prior to the Case Management Hearing.

Case Management Hearing

10. There is to be an oral Case Management Hearing in London with a time estimate of half a day, to be held on 15, 16 or 17 December 2014. At the Case Management Hearing the Tribunal will:
 - a. determine any applications in respect of the disclosure of documents;
 - b. determine any applications in respect of oral evidence (including in relation to the cross examination of any witness);
 - c. set a timetable for the final hearing; and
 - d. list the final hearing in the window February to April 2015 inclusive. The parties are asked to bring to the Case Management Hearing their own and their witnesses' dates to avoid during that listing window.
11. The parties are to use their best endeavours to agree a time estimate and draft timetable for the final hearing. If the parties agree a time estimate and draft timetable for the final hearing the Respondent shall, not less than three days before the Case Management Hearing, file and serve a copy of the same. In the event the parties do not agree a time estimate and draft timetable for the final hearing each party shall file and serve their time estimate and draft timetable not less than three days before the case management hearing.
12. If either party seeks any order or directions at the Case Management Hearing (other than an order in respect of the duration and timetable of the final hearing) they shall file and serve an application (together with any evidence in support, if relied on) at least fourteen days before the Case Management Hearing.
13. If the other party wishes to respond in writing to any such application, they shall file and serve a response (together with any evidence relied upon) at least 5 days before the Case Management Hearing.

Preparation of bundles for the Tribunal

14. A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by the Respondent and four copies are to be lodged with the Tribunal at least 10 days before the final hearing. A further copy is also to be brought by the Respondent to the hearing for use by witnesses (if any).

Written submissions

15. Written submissions are to be exchanged by the parties and lodged with the Tribunal, by e mail, in the following order:
16. The Appellants are to file their written submissions no later than 21 days before the final hearing date.
17. The Respondent is to file its written submissions no later than 14 days before the final hearing date.

Bundle of authorities and statutory materials

18. The parties are to use their best endeavours to agree a bundle of authorities and statutory materials, in accordance with the arrangements set out below.
19. The first draft of the index to the authorities bundle is to be served by the Appellants on the Respondent 14 days before the final hearing.
20. Within 5 days of receipt of the draft index of authorities the Respondent is to notify the Appellant whether there are any additional authorities or statutory materials for inclusion in the bundle.
21. A consolidated version of the authorities bundle is to be prepared by the Respondent and forwarded to the Appellants not less than 7 days before the final hearing.
22. The Respondent is to lodge three hard copies of the authorities bundle with the Tribunal at least 3 days before the hearing, and at the same time is to send a copy of the index to the authorities bundle only, by e mail. The Tribunal's bundle is to include only those authorities which are referred to in the written submissions and/or those to be relied on in counsel's oral submissions.

Signed: Alison McKenna

Dated: 16 September 2014