

SCHEDULE 1

RSC ORDER 108

PROCEEDINGS RELATING TO CHARITIES: THE CHARITIES ACT 1993(1)

Application for permission to appeal or to take charity proceedings

Rule 3.—(1) An application shall not be made under section 16 (13) of the Act for permission to appeal against an order of the Commissioners unless the applicant has requested the Commissioners to grant a certificate and they have refused to do so.

(2) An application under section 33 (5) of the Act for permission to start charity proceedings must be made within 21 days after the refusal by the Commissioners of an order authorising proceedings.

(3) The application must be made by lodging in Chancery Chambers a statement showing—

- (a) the name, address and description of the applicant;
- (b) particulars of the order against which it is desired to appeal or of the proceedings which it is desired to take;
- (c) the date of the Commissioners' refusal to grant a certificate or an order authorising the taking of proceedings;
- (d) the grounds on which the applicant alleges that it is a proper case for an appeal or for taking proceedings.

(4) The application may be made without notice in the first instance and if it is made with the consent of any other party to the proposed appeal or proposed proceedings that fact shall be mentioned in the statement.

(5) If the judge on considering the application so directs, the Commissioners shall furnish him with a written statement of their reasons for refusing a certificate or, as the case may be, an order authorising the taking of proceedings, and a copy of any such statement shall be sent from Chancery Chambers to the applicant.

(6) Unless, after considering the applicant's statement and the statement (if any) of the Commissioners, the judge decides to give the permission applied for without a hearing, the application shall be set down for hearing, and the hearing may be in private if the judge so directs.

(7) Where the application is determined without a hearing, a copy of the judge's order shall be sent from Chancery Chambers to the applicant and the Commissioners; and where the application is to be set down for hearing, notice of the day and time fixed for the hearing shall be sent from that Office to the applicant.