



2008 CHAPTER 12

PART 3

THE CHARITY TRIBUNAL FOR NORTHERN IRELAND

The Charity Tribunal for Northern Ireland

12.—(1) There shall be a tribunal to be known as the Charity Tribunal for Northern Ireland (in this Act referred to as “the Tribunal”).

(2) Schedule 2 makes provision with respect to the constitution of the Tribunal and other matters relating to it.

(3) The Tribunal shall have jurisdiction to hear and determine—

- (a) such appeals and applications as may be made to the Tribunal in accordance with Schedule 3, or any other statutory provision, in respect of decisions, orders or directions of the Commission, and
- (b) such matters as may be referred to the Tribunal in accordance with Schedule 4 by the Commission or the Attorney General.

(4) Such appeals, applications and matters shall be heard and determined by the Tribunal in accordance with those Schedules, or any such statutory provision, taken with section 13 and rules made under that section.

Practice and procedure

13.—(1) The Lord Chancellor may make rules—

- (a) regulating the exercise of rights to appeal or to apply to the Tribunal and matters relating to the making of references to it;
- (b) about the practice and procedure to be followed in relation to proceedings before the Tribunal.

- (2) Rules under subsection (1)(a) may, in particular, make provision—
- (a) specifying steps which must be taken before appeals, applications or references are made to the Tribunal (and the period within which any such steps must be taken);
 - (b) specifying the period following the Commission’s final decision, direction or order within which such appeals or applications may be made;
 - (c) requiring the Commission to inform persons of their right to appeal or apply to the Tribunal following a final decision, direction or order of the Commission;
 - (d) specifying the manner in which appeals, applications or references to the Tribunal are to be made.
- (3) Rules under subsection (1)(b) may, in particular, make provision—
- (a) for the President or a legal member of the Tribunal (see paragraph 1(2)(b) of Schedule 2) to determine preliminary, interlocutory or ancillary matters;
 - (b) for matters to be determined without an oral hearing in specified circumstances;
 - (c) for the Tribunal to deal with urgent cases expeditiously;
 - (d) about the disclosure of documents;
 - (e) about evidence;
 - (f) about the admission of members of the public to proceedings;
 - (g) about the representation of parties to proceedings;
 - (h) about the withdrawal of appeals, applications or references;
 - (i) about the recording and promulgation of decisions;
 - (j) about the award of costs.
- (4) Rules under subsection (1)(a) or (b) may confer a discretion on—
- (a) the Tribunal,
 - (b) a member of the Tribunal, or
 - (c) any other person.
- (5) The Tribunal may award costs only in accordance with subsections (6) and (7).
- (6) If the Tribunal considers that any party to proceedings before it has acted vexatiously, frivolously or unreasonably, the Tribunal may order that party to pay to any other party to the proceedings the whole or part of the costs incurred by that other party in connection with the proceedings.
- (7) If the Tribunal considers that a decision, direction or order of the Commission which is the subject of proceedings before it was unreasonable, the Tribunal may order the Commission to pay to any other party to the proceedings

the whole or part of the costs incurred by that other party in connection with the proceedings.

(8) Rules of the Lord Chancellor under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(9) Rules of the Lord Chancellor under this section may make such supplemental, incidental, consequential or transitional provision or savings as the Lord Chancellor considers appropriate.

Appeal from Tribunal

14.—(1) A party to proceedings before the Tribunal may appeal to the Court against a decision of the Tribunal.

(2) Subject to subsection (3), an appeal may be brought under this section against a decision of the Tribunal only on a point of law.

(3) In the case of an appeal under this section against a decision of the Tribunal which determines a question referred to it by the Commission or the Attorney General, the Court—

- (a) shall consider afresh the question referred to the Tribunal, and
- (b) may take into account evidence which was not available to the Tribunal.

(4) An appeal under this section may be brought only with the permission of—

- (a) the Tribunal, or
- (b) if the Tribunal refuses permission, the Court.

(5) For the purposes of subsection (1)—

- (a) the Commission and the Attorney General are to be treated as parties to all proceedings before the Tribunal, and
- (b) rules under section 13(1) may include provision as to who else is to be treated as being (or not being) a party to proceedings before the Tribunal.

Intervention by Attorney General

15.—(1) This section applies to any proceedings—

- (a) before the Tribunal, or
- (b) on an appeal from the Tribunal,

to which the Attorney General is not a party.

(2) The Tribunal or, in the case of an appeal from the Tribunal, the Court may at any stage of the proceedings direct that all the necessary papers in the proceedings be sent to the Attorney General.

- (3) A direction under subsection (2) may be made by the Tribunal or Court—
 - (a) of its own motion, or
 - (b) on the application of any party to the proceedings.
- (4) The Attorney General may—
 - (a) intervene in the proceedings in such manner as the Attorney General thinks necessary or expedient, and
 - (b) argue before the Tribunal or Court any question in relation to the proceedings which the Tribunal or Court considers it necessary to have fully argued.
- (5) Subsection (4) applies whether or not the Tribunal or Court has given a direction under subsection (2).