



2008 CHAPTER 12

PART 3

THE CHARITY TRIBUNAL FOR NORTHERN IRELAND

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.