
STATUTORY INSTRUMENTS

2008 No. 221

The Charity Tribunal Rules 2008

PART 3

Initiating an appeal or application

Appeal notice

17.—(1) An appeal or application must be made by way of an appeal notice signed, dated and filed by an appellant.

(2) An appeal notice under paragraph (1) must be filed not later than 42 days after the date on which an appellant was notified of the Commission’s final decision.

(3) For the purposes of paragraph (2) an appellant is notified either on—

- (a) the date on which the appellant, being the subject of the decision, receives written notification of the Commission’s final decision; or
- (b) where the appellant is not the subject of the Commission’s final decision, the date the Commission’s final decision was published.

(4) The appeal notice must state—

- (a) the name and address of that appellant;
- (b) the name and address of that appellant’s representative (if any);
- (c) an address for service and an individual contact at that address;
- (d) that the appeal notice concerns either—
 - (i) the bringing of an appeal; or
 - (ii) the bringing of an application;
- (e) the category in column 2 of the Table in Schedule 1C to the 1993 Act that that appellant falls into;
- (f) the reasons that appellant considers they are or may be affected by the Commission’s final decision;
- (g) the grounds on which that appellant relies in the appeal or the application to challenge the Commission’s final decision; and
- (h) details of the Commission’s final decision including—
 - (i) the name of the person that the decision concerns;
 - (ii) any reference number;
 - (iii) the date that the final decision was notified to that appellant under paragraph (3); and
 - (iv) whether that appellant was notified under paragraph (3)(a) or (3)(b) of this rule.

(5) In paragraph (4)(a), “address” in respect of a corporation means the address of the registered or principal office.

(6) Where a representative, other than a legal representative, is named in paragraph (4)(b) and the appeal notice is signed by that representative on behalf of an appellant, a statement that the representative is authorised to act on that appellant's behalf, must be—

- (a) filed with the appeal notice; and
- (b) signed by that appellant; or
- (c) signed, where that appellant is not an individual, by an individual authorised by that appellant.

(7) Except when there is a good reason why it is not possible, a copy of the Commission's final decision relating to the appeal or application must be filed with the appeal notice in paragraph (2).

(8) An appellant may make a request for directions under rule 3 (directions) when filing the appeal notice.

(9) Where the time limit for making an appeal or application under paragraph (2) has expired, an appellant must include with the appeal notice a request for a direction under rule 3 (directions) to allow the appeal or application to be made after the time limit for doing so has expired.

(10) A request for a direction to extend time under paragraph (9) must include—

- (a) a statement of the reasons for the delay in making the appeal or application; and
- (b) any information that will assist the Tribunal when it considers the matters set out in rule 4 (application for permission to make a late appeal or application).

(11) At the same time as filing the appeal notice, an appellant must send a copy of that notice (and of any request in accordance with paragraphs (8) and (9)) to the Commission and to any other party.

(12) Where a request is made under paragraph (9) the Tribunal must take no further action in relation to the appeal notice until such a request has been determined.

(13) Except where a request has been made in accordance with paragraph (9) the Tribunal must—

- (a) enter particulars of the appeal or the application in the register;
- (b) inform the parties in writing of the date when the Tribunal received the appeal notice; and
- (c) specify the date on which the document under paragraph (b) is sent.

(14) When a request has been determined in accordance with paragraph (12) the Tribunal must—

- (a) take the steps in paragraphs (13)(a) to (c) in relation to the appeal or the application; and
- (b) inform the parties of the Tribunal's decision relating to the request for directions under paragraph (9).