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STATUTORY INSTRUMENTS

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**2008 No. 221**

**The Charity Tribunal Rules 2008**

**PART 3**

**Initiating an appeal or application**

**Commission's response**

- 18.**—(1) The Commission must file a response to the appeal notice under rule 17 (appeal notice).
- (2) A response under paragraph (1) must be received by the Tribunal no later than 28 days after the date on which the Commission received the documents sent by the Tribunal in accordance with rules 17(13) or (14).
- (3) The response must—
- (a) specify the legal basis for the Commission's final decision;
  - (b) specify the reasons for the Commission's final decision;
  - (c) state whether the Commission intends to play an active part in the proceedings;
  - (d) specify the name and business address of the Commission's representative (if any);
  - (e) identify an address for service and an individual contact at that address;
  - (f) contain the signature of a person authorised by the Commission; and
  - (g) specify the date on which the response is filed.
- (4) Except where rule 15(2) (exceptions to disclosure) applies the response must be accompanied by—
- (a) a list of—
    - (i) the documents relied on by the Commission when reaching the Commission's final decision; and
    - (ii) any additional documents which in the opinion of the Commission might undermine the Commission's final decision or adversely affect its case or support the relevant appellant's case;
  - (b) a copy of the Commission's final decision; and
  - (c) if the Commission intends to play an active part, the names of any witnesses, including any expert witnesses.
- (5) If an expert witnesses is named in accordance with paragraph (4)(c), the Commission must—
- (a) provide full details about that witness;
  - (b) identify the nature of the expertise that witness is intended to provide; and
  - (c) request the Tribunal's permission to call that witness in accordance with paragraph (7).
- (6) At the same time as the Commission files the response, the Commission must send to any other party—
- (a) a copy of the response;

- (b) a copy of the documents referred to in paragraph (4)(a) to (c); and
  - (c) a copy of any request made under paragraphs (7) and (8).
- (7) The Commission may include a request for directions with the response.
- (8) When the time limit for filing the response under paragraph (2) has expired, the Commission must include with the response a request for a direction under rule 3 (directions) to allow the response to be filed after the time limit for doing so has expired.
- (9) A request under paragraph (8) must include a statement of the reasons for the delay in filing the response.
- (10) Where a request under paragraphs (7) or (8) has been determined, the Tribunal must send the parties the decision (including the particulars of the direction) and specify the date on which the decision is being sent.