
EXPLANATORY NOTE

(This note is not part of the Rules)

The Charity Tribunal Rules 2008 regulate the practice and procedure of proceedings before the Charity Tribunal created by section 8 of the Charities Act 2006. The Tribunal has jurisdiction to hear appeals and applications for review from certain decisions of the Charity Commission and to consider matters referred to it by the Attorney General or, with the Attorney General's consent, the Charity Commission (a reference being made before the Tribunal has made any decision in relation to the proceedings in which the question being referred has arisen).

The Rules are arranged so that Parts 1 to 5 provide for the procedure to be followed when an appeal or application for review is made to the Tribunal while Part 6 makes specific provision for references.

Part 2 makes provision for general matters that relate to the proceedings in an appeal or application for review. In particular, this Part contains general powers of the Tribunal to give directions to ensure fair and efficient proceedings, to strike out a party's case for abuse of process or to make an order against a person who acts vexatiously in bringing proceedings.

Part 3 sets out the procedure to be followed when initiating an appeal or application. It includes rules about filing the appeal notice, the Commission's response to that appeal notice and the appellant's reply to that response.

Part 4 provides rules to be followed when a hearing is fixed for an appeal or application. In particular this part makes provision for the Attorney General to intervene in proceedings when the Attorney General is not a party, when the Tribunal requests such action or when the Attorney General considers that intervention is necessary. There is also a rule that allows the Attorney General to assist the Tribunal by arguing any question before the Tribunal that the Tribunal thinks it is necessary to argue.

Part 5 makes provision for appeals from the Tribunal to the High Court and in particular the steps to be followed to obtain permission to bring an appeal.

Part 6 makes special provision for references that are brought by the Attorney General or the Commission under Schedule 1D to the Charities Act 1993. This Part essentially provides for the manner in which a reference is initiated, the selection of parties who apply to the Tribunal to be respondents to a reference and the contents of the respondent's notice. Part 6 also makes provision for a directions hearing to be convened to decide the manner in which reference proceedings are to be conducted.