
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).

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.

Appellant’s reply

- 19.**—(1) An appellant must file a written reply so that it is received by the Tribunal no later than 28 days after the date on which that appellant received the documents under rule 18(6) (Commission’s response).
- (2) The reply must—
 - (a) identify all matters contained in the response which are disputed by that appellant;
 - (b) state that appellant’s reasons for disputing them; and
 - (c) specify the date on which it is filed.
 - (3) The reply must be accompanied by—
 - (a) a list of all the documents on which that appellant relies in support of the appeal or application, except where rule 15(2) (exceptions to disclosure) applies;
 - (b) the names of any witnesses, including expert witnesses, that appellant intends to call; and

- (c) a copy of any request made under paragraphs (6) and (7).
- (4) If an expert witness is named in accordance with paragraph (3)(b), the appellant 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 (6).
- (5) At the same time as filing the reply, that appellant must send to the Commission and any other party a copy of the reply and of the documents referred to in paragraph (3).
- (6) An appellant may include a request for directions in accordance with rule 3 (directions) with the reply.
- (7) When the time limit for filing a reply under paragraph (1) has expired, an appellant must include with the reply a request for a direction under rule 3 (directions) to allow the reply to be filed after the time limit for doing so has expired.
- (8) A request under paragraph (7) must include a statement of the reasons for the delay in filing the reply.
- (9) When the Tribunal has determined a request under paragraphs (6) or (7), the Tribunal must send the parties the Tribunal’s decision (including the particulars of any direction).
- (10) The Tribunal when sending the documents in paragraph (9) must specify the date on which they are being sent.

Secondary disclosure by the Commission

- 20.**—(1) Except where rule 15(2) (exceptions to disclosure) applies, following the receipt of an appellant’s reply, the Commission must file a list of any further material—
- (a) which might reasonably be expected to assist that appellant’s case as disclosed by that appellant’s reply; and
 - (b) which is not mentioned in the list provided in accordance with rule 18(4)(a) (Commission’s response).
- (2) Any list required to be filed under paragraph (1) must be filed so that it is received by the Tribunal no later than 14 days after the day on which the Commission received that appellant’s reply under rule 19(5) (appellant’s reply).
- (3) At the same time as filing any list required by paragraph (1), the Commission must send a copy of that list to that appellant and any other party.