



Appeal number: CA/2013/0013

**FIRST-TIER TRIBUNAL (CHARITY)
GENERAL REGULATORY CHAMBER**

HUMAN DIGNITY TRUST

Appellant

- and -

**THE CHARITY COMMISSION
FOR ENGLAND AND WALES**

Respondents

TRIBUNAL: JUDGE ALISON MCKENNA

UPON the Tribunal hearing from Emma Dixon of counsel for the Appellant and Kenneth Dibble, Chief Legal Adviser for the Respondent at a telephone directions hearing on 13 February 2014

AND UPON the parties having submitted to the Tribunal agreed draft directions

IT IS DIRECTED that

List of issues

1. The parties are to use their best endeavours to agree a list of issues to be determined by the Tribunal, in accordance with the arrangements set out below.
2. The first draft of the list of issues to be determined by the Tribunal is to be prepared by the Appellant and served on the Respondent by 20 February 2014.
3. By 27 February 2014 the Respondent is to notify the Appellant whether the draft list of issues is agreed and/or whether there are any proposed amendments.

4. If the parties have agreed a list of issues then it is to be served on the Tribunal by 4pm on 4 March 2014. If the parties have not agreed a list of issues then the parties are to make a joint application to the Tribunal for its ruling on the issues by 4pm on 4 March 2014, following which the Tribunal will issue further directions for the determination of that matter.

Application to Intervene

5. The Appellant is to serve the agreed list of issues (if available) on solicitors for the proposed interveners JUSTICE and The Redress Trust by 5 March 2014.
6. The proposed interveners may serve on the parties and file with the Tribunal by 4pm on 14 March 2014 any additional submissions in support of the application to intervene, in the light of the agreed list of issues and in particular indicating (i) how the proposed intervention would assist the Tribunal in determining the issues before it and (ii) how the intervention would differ from the submissions of the parties so as to avoid the duplication of argument before the Tribunal. The parties may provide to the Tribunal any written response to the proposed intervener's submissions by 4pm on 21 March 2014.
7. The Tribunal is to rule in writing by 1 April 2014 as to whether to permit the proposed intervention and at the same time issue any necessary consequential directions relating to the scope and manner of the intervention, if permitted.

Witness Statements

8. The parties are to use their best endeavours to agree a statement of agreed facts and to serve it on the Tribunal in the final version of the hearing bundle.
9. If there is to be no agreed statement of facts then the Appellant is to serve any written witness statements on which it wishes to rely on the Respondent (but not on the Tribunal) by 4 March 2014, or by that date to confirm to the Respondent that it will not be relying on witness evidence.
10. By 11 March 2014 the Respondent is to serve any written witness statements on which it wishes to rely on the Appellant (but not on the Tribunal), or by that date confirm to the Appellant that it will not be relying on witness evidence.
11. If witness statements are served then they are to stand as evidence in chief at the hearing, although supplementary questions in chief may be asked with the permission of the Tribunal. No party is to call, without the Tribunal's permission, any witness in respect of whom a written statement has not been served.
12. The parties are to notify each other if they wish to cross examine any witness in respect of whom a statement has been served, such notification to be made by 15 April 2014.

Expert evidence

13. The Appellant has permission to rely on the written expert evidence of Professor Christine Chinkin on issues of human rights and international law. The Appellant is to serve the expert's report on the Respondent (but not on the Tribunal) by 18 March 2014.
14. The Respondent has permission to ask written questions of the expert, any such questions to be served on the Appellant by 25 March 2014.
15. The Respondent has permission to rely on written expert evidence on issues of human rights and international law. The Respondent is to serve its expert's report on the Appellant (but not on the Tribunal) by 25 March 2014.
16. The Appellant has permission to ask written questions of the Respondent's expert, any such questions to be served on the Respondent by 1 April 2014.
17. The parties are to notify each other if they wish to cross examine each other's expert witness, such notification to be made by 15 April 2014.

Hearing bundle

18. The parties are to agree the contents of a bundle of documents to be used at the hearing of this appeal, in accordance with the arrangements set out below.
19. The first draft of the index to the bundle is to be prepared by the Appellant and served on the Respondent by 18 March 2014.
20. By 25 March 2014 the Respondent is to notify the Appellant of any additional documents it wishes to be included in the bundle and to provide copies thereof to the Appellant's solicitors.
21. A final version of the hearing bundle, to include any witness statements and any exhibits, is to be prepared by the Appellant and the number of copies that the Tribunal shall direct is to be lodged by the Appellant with the Tribunal at least 7 days before the date set for an oral hearing of this appeal (**'hearing date'**). A further copy is also to be brought to the hearing by the Appellant for use by witnesses (if any).

Bundle of authorities and statutory materials

22. The parties are to agree a bundle of authorities and statutory materials, which is to be prepared by the Appellant and the number of copies that the Tribunal shall direct is to be lodged by the Appellant with the Tribunal at least 7 days before the hearing date, with the index to the bundle e mailed to the Tribunal at the same time.

Skeleton arguments

23. Skeleton arguments are to be exchanged by the parties and filed with the Tribunal by email at least 5 days before the hearing date.

Other

24. The parties have permission to apply for further directions provided such application is in writing setting out the full reasons for the application and where applicable before the time limit for complying with the direction has been reached.
25. Either party may apply to the Tribunal by 4pm on 29 April 2014 for this appeal to be referred to the Chamber President to consider transfer to the Upper Tribunal (Tax and Chancery Chamber).
26. This matter is to be listed to be heard in London with a time estimate of 2 days.
27. The parties are to provide to the Tribunal by 4pm on 11 March 2014 their dates to avoid for a First-tier Tribunal hearing in June 2014, such date to be vacated if the appeal is transferred to the Upper Tribunal (Tax and Chancery Chamber) which will issue its own directions for listing.

ALISON MCKENNA

**TRIBUNAL JUDGE
13 February 2014**

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