

IN THE CHARITY TRIBUNAL FOR NORTHERN IRELAND
THE CHARITIES ACT (NORTHERN IRELAND) 2008-13
THE CHARITY TRIBUNAL RULES (NORTHERN IRELAND) 2010

BETWEEN:

ROBERT CRAWFORD

Appellant

And

THE CHARITY COMMISSION FOR NORTHERN IRELAND

Respondent

And

ATTORNEY GENERAL FOR NORTHERN IRELAND

Notice Party

DECISION

The application of the Appellant and the Attorney General for Northern Ireland for permission to appeal to the High Court of Judicature in Northern Ireland (the High Court) is granted on the terms below.

Background

1. The Appellant's appeal to the Tribunal to which the Attorney General was a Notice Party was dismissed by a decision of this Tribunal issued on 6 November 2017.
2. Both the Appellant and the Attorney General have sought leave to appeal to the High Court against the decision of the Tribunal.
3. Both applications are made under S14(1) of the Charities Act (Northern Ireland) 2008 ("the Act") and Rule 35(1) of the Charity Tribunal Rules (Northern Ireland) 2010 ("the Rules") on the grounds that both the Appellant and the Attorney General consider that the issues raised are points of law.

Grounds

4. It is asserted by both Parties that:-
 - (a) that the Tribunal erred in law by concluding that the Charity Commission for Northern Ireland as a body corporate is entitled to delegate and utilise members of staff in accordance with properly adopted procedures in so far as this means that decisions entrusted by the Charities Act (Northern Ireland) 2008 to the Commission can be taken by employees of the Commission;
 - (b) that the Tribunal erred in finding the question of whether the Commission had lawfully initiated an enquiry under Section 22 of the Charities Act (Northern Ireland) 2008 and lawfully removed a Trustee under Section 33 of that Act turned on whether the Commission had properly adopted a process which was then implemented and which empowered employees subject to the approval of three Commissioners to commence the process;
 - (c) that the Tribunal erred in interpreting paragraph 9(1)(a) of Schedule 1 of the Charities Act (Northern Ireland) 2008 as "essentially permissive in nature", contrary to the reasoning of Girvan J in *re Bells Application* [2000] NI245;
 - (d) that the Tribunal erred in regarding the application of Section 19 of the Interpretation Act (Northern Ireland) 1954 when read in conjunction with the

Charities Act (Northern Ireland) 2008 as permitting the Charity Commission to delegate to its employees the discharge of functions entrusted by the Charities Act (Northern Ireland) 2008 to the Commission;

- (e) that the Tribunal erred in finding that the adoption by the Commission of a detailed structure of operational manuals and guidance do not lead to an abrogation of its statutory responsibilities to its staff;
- (f) that the Tribunal erred by distinguishing ***Belfast Telegraph Newspapers Limited's Application [2001] NICA*** given the relevance of that case to the question of the lawful delegation of statutory functions;
- (g) that the Tribunal erred by finding that "the Commission was operating much as any other corporation" and by ignoring other specific analogous statutory provisions in relation to other statutory bodies expressly enabling them to delegate decision making powers to their employees.

Decision

- 5. I have considered the grounds advanced for leave to appeal carefully and am satisfied that they raise arguable points of law.
- 6. Accordingly I grant leave to appeal to the High Court against the decision of the Tribunal issued on 6 November 2017.

Dated: 12 December 2017

Ian Huddleston

Tribunal Judge

