

**THE CHARITIES ACTS (NORTHERN IRELAND) 2008-2022
THE CHARITY TRIBUNAL RULES (NORTHERN IRELAND) 2010**

IN THE CHARITY TRIBUNAL FOR NORTHERN IRELAND

Between

**PAULINE FITZPATRICK
and
TINA BARRETT**

Appellants

-and-

THE CHARITY COMMISSION FOR NORTHERN IRELAND

Respondent

DIRECTIONS (2)

WHEREAS an appeal dated 28/04/2026 was filed with the Charity Tribunal for Northern Ireland ('the Tribunal') by the Appellants against a purported Decision of the Respondent dated 01/04/2026 described by the Appellants as a 'Response to Findings from the Victims Comm / Vic of Crime Commissioner', seeking an outcome from the Tribunal that the 'Findings confirm there was harm caused to beneficiaries and employees' and that such findings be recorded on the 'CC system';

AND WHEREAS, in correspondence dated 05/05/2026 from the Respondent to the Appellants, the Respondent described its 'decision' as a 'decision to issue self-regulatory guidance on foot of three concerns raised in respect of the organisation 'Relatives for Justice Limited' (a charity);

AND WHEREAS Directions dated 15/05/2026 were issued to the parties by the Tribunal directing the parties to comply within certain time limits in order that the Tribunal might be assisted in determining the application of the Respondent for a Direction pursuant to Rule 3 of the Charity Tribunal (Northern Ireland) Rules ('the Rules') that the Tribunal had no jurisdiction to determine this appeal;

AND WHEREAS in emails dated 14/05/2026 and 18/05/2026, respectively, from the Appellants to the Secretary to the Tribunal, the Appellants raised certain clarificatory

matters concerning factual accuracy as to certain averments in the said Directions (but not in respect of the substantive issue in this appeal);

AND WHEREAS, the Tribunal was then advised by the Secretary to the Tribunal that, in fact, the Notice of Appeal contained what appeared to be 'statements' from each of the two Appellants and, in addition, 'statements' from the following persons:

- Hilary Hinds;
- Louisa McKee;
- Louise Concannon;
- Marie Fennell;
- Róisín McAliskey;
- Gerry Armstrong;
- Áine McCabe;
- Jim McCabe.

The Appellants, in their email dated 14/05/2026 to the Secretary to the Tribunal, referred to me, stated that:

- they both, and Áine McCabe 'make up of the 'concerns' raised against 'Relatives for Justice Limited', a charity;
- Mr. James Walsh, an officer of the Respondent, stated at a meeting between the parties on 13/05/2026 that the Appellants had 'provided the Tribunal with 2 extra statements, namely, from Áine McCabe and Jim McCabe', but that they, the Appellants, had actually provided the Tribunal with 3 extra statements, namely, from Pauline Fitzpatrick, one of the two Appellants, Jim McCabe and Áine McCabe, all three of whom had 'provided oral evidence of their 'concerns' to the Respondent and that, to date, the Appellants had not been provided [by a person unstated], with copies of those 'statements / concerns';
- the '3 statements' provided by the Appellants with the Notice of Appeal to the Tribunal were not lodged with the Respondent but were 'simply submitted [to a person unstated] as a brief account of events.

In their email dated 18/05/2026, to the Secretary to the Tribunal, referred to me, the Appellants stated that while the said Directions of the Tribunal referred to 'three concerns', there were, in fact, 10 'concerns' lodged with the Respondent by them and, further, that while the said Directions stated '...accompanied by another person Áine McCabe', she is, in fact, 'one of the complainants who lodged a concern'.

The Tribunal regrets these factual oversights in its said Directions and extends apologies to the Appellants but, again, these oversights do not go to the determination of the substantive issue in this appeal, namely whether the Tribunal has any jurisdiction in respect of the substantive issue.

AND WHEREAS, pursuant to section 12(3)(a) and paragraph 5 to Schedule 3 ('the Schedule') to the Charities Act (Northern Ireland) 2008 ('the Act'), only certain decisions, specified in the Schedule, in Column 1 of that paragraph, made by the Respondent, may be appealed to the Tribunal;

AND WHEREAS the stated impugned decision of the Respondent does not appear to be a decision that is capable, by statute, of being appealed to the Tribunal;

AND WHEREAS, in the alternative, a person with requisite legal standing may make application to the Tribunal to have a decision made by the Respondent reviewed, subject to such decision being a reviewable matter, pursuant to the provisions also set out in paragraph 3 to the Schedule, but no such application for a review of a reviewable matter had been made to the Tribunal by the Appellants and, on the basis of the case made to date to the Tribunal by the Appellants, there is no basis to make an application for such review.

AND WHEREAS the Respondent, in correspondence to the Tribunal dated 05/05/2026, copied to the Appellants, made application to the Tribunal for a Direction, pursuant to Rule 3 of the Charity Tribunal (Northern Ireland) Rules 2010 ('the Rules'), as to whether the Tribunal has jurisdiction to hear this appeal, on the grounds that the said decision by the Respondent to issue self-regulatory guidance in respect of a charity, was not a decision capable of being appealed to the Tribunal, as it was not a decision set out in Column 1 to Schedule 3 of the Act;

AND WHEREAS on 13/05/2026, the Respondent's Legal Adviser, in writing, copied to the Appellants, informed the Tribunal that she, together with two colleagues, met with the Appellants on 13/05/2026 to discuss the matter, when the Appellants were advised that the subject of their appeal was not appealable to the Tribunal under the Act but that she understood the Appellants still wished to proceed with their appeal to the Tribunal;

IT IS DIRECTED THAT

1. Within the period of 14 days from the date of these further Directions, the Appellants shall state to the Tribunal (copying any reply to the Respondent at the same time):
 - (1) the basis upon which they purport to be able to bring this appeal by reference to the provisions contained in Column 1 to paragraph 5 to Schedule 3 to the Act;
 - (2) the category of Column 2 of the Table to Schedule 3 of the Act into which they consider they fall, that is, whether either, or both of them, is, or claims to be, a charity trustee of the organisation, 'Relatives for Justice Limited', a charity or, in the alternative, whether either, or both of them, is a person who is, or may be, affected by the alleged impugned decision of the Respondent (whether in their own right, or otherwise) and the reasons why that may be the case;
 - (3) the section of the Act under which the impugned decision of the Respondent is allegedly made;
 - (4) the precise decision of the Respondent that is impugned by the Appellants;

- (5) details of the final decision of the Respondent including the name of the person, corporate or unincorporated, that decision concerns; any reference number of the Respondent and the date the final decision of the Respondent was notified to the Appellants and each of them;
 - (6) whether each of them accepts that the only purported Appellants are each of them, on the basis that, to date, no purported appeal has been received from any other person;
 - (7) whether either or both of them accept that they seek to appeal the alleged impugned decision of the Respondent, having identified, precisely, that decision, as directed above, and do not seek, in the alternative, to apply to have the impugned decision challenged before the Tribunal by way of an application to review, a step that can only arise if the impugned decision can be said to be a decision that falls within paragraph 3(2) to the Schedule.
2. The Appellants are, again, strongly urged to obtain the advice and services of a representative experienced in Northern Ireland charity law to assist them in pursuing their appeal and, in particular, in addressing the question of whether the Tribunal has any statutory jurisdiction to adjudicate upon the impugned decision: the Tribunal, as an independent judicial authority, cannot advocate for, or advise, either of the parties – the Appellants or the Respondent.
3. The Appellants are advised that the Tribunal may, pursuant to Rules 5 and 6 of the Rules, strike out, or dismiss, the purported appeal on various grounds, including if the Tribunal is satisfied that the purported appeal discloses no reasonable grounds for bringing an appeal, subject to the Appellants having a opportunity to make representations against the making of such an Order, or if the Appellants, without reasonable excuse, fail to comply with these Directions.
4. The Respondent shall, thereafter, but no later than 21 days from the date of these Directions, provide a written submission, copied at the same time to the Appellants, addressing any response from the Appellants to these Tribunal Directions.
5. Either party shall be at liberty to apply in writing (copied to the other party, seeking its / her consent, if appropriate), to vary, add to or substitute any of these Directions, so long as they do so before the time for compliance has expired and stating their reasons for such application.
6. Upon hearing from the parties in response to these Directions, the Tribunal shall, inter alia, consider whether it may be appropriate to hold a pre-hearing review of this purported appeal, pursuant to Rule 13 of the Rules, giving further directions appearing necessary or desirable to securing the just, expeditious and economical conduct of this appeal, or to hold a preliminary hearing, pursuant to Rule 14 of the Rules if it appears to the Tribunal that any preliminary question of fact or law appears to be at issue in relation to the appeal or to determine any such preliminary question on the papers only without a hearing.

Signed: ***D. McMahon***
President,
Charity Tribunal for Northern Ireland

Date: **19 May 2026**