

**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

DECISION

This appeal is struck out with immediate effect

REASONS

1. Directions were issued to the parties on 15/05/2026, varied on 19/05/2026, addressed, in particular, to the Appellants, directing them, within 14 days, to provide certain submissions, focussed, essentially, on whether the Respondent had made a decision that was appealable, pursuant to the relevant statutory provision, to the Charity Tribunal for Northern Ireland ('the Tribunal') in which the Appellants could argue that they were directly affected by such decision if made, 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;
2. An appeal dated 28/04/2026 was filed with 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'.

3. 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).
4. 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).
5. 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.
6. 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'.

7. While the Tribunal regretted these factual oversights in its said Directions and extended apologies to the Appellants, these oversights, again, did 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.
8. 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;
9. The alleged decision of the Respondent does not appear to be a decision that is capable, by statute, of being appealed to the Tribunal;
10. 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, nor was any such application made.
11. 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 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. The Tribunal, by this Decision, accepts that it has no jurisdiction to hear this appeal and that the Respondent has not made a decision that is appealable to the Tribunal.
12. 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.
13. The Appellants have not complied with the Tribunal's said Directions, within time, or at all.
14. The Respondent in a written submission dated 08/06/2026, reiterated its position that the Tribunal had no jurisdiction to determine the purported appeal brought by the Appellants and that the Appellants had not complied with the Tribunal's Directions. The Tribunal accepts that submission in full particularly in the absence of any submission, in law, to the contrary.

15. The Appellants were advised, in writing, 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 an opportunity to make representations against the making of such an Order, or if the Appellants, without reasonable excuse, fail to comply with these Directions. The Appellants made no such representations on either basis.

16. This appeal is struck out on both bases.

The Appellants and the Respondent are advised that, pursuant to Rule 35 and Rule 36 of the Rules, if either of them seeks to challenge this Decision of the Tribunal, they may apply to the Tribunal, in the first instance, for permission to appeal the Decision to the High Court of Justice in Northern Ireland ('the High Court'), in writing, within 28 days of the day upon which the Secretary to the Tribunal notified the said Decision to them. Any such written request must be signed by the party seeking to appeal and must state their name and address, and that of any representative; identify the decision of the Tribunal to which any such request relates and state the grounds on which they intend to rely before the High Court.

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

Date: **15 June 2026**