

**THE CHARITIES ACT (NORTHERN IRELAND) 2008
THE CHARITIES ACT (NORTHERN IRELAND) 2013
THE CHARITY TRIBUNAL RULES (NORTHERN IRELAND) 2010**

IN THE CHARITY TRIBUNAL FOR NORTHERN IRELAND

**IN THE MATTER OF A REFERENCE PURSUANT TO SCHEDULE 4 TO THE
CHARITIES ACT (NORTHERN IRELAND) 2008**

DIRECTIONS NOTICE (MR T. MCKEE – APPLICATION FOR VARIATION)

UPON one of the parties, Mr. T. McKee, joined by the Tribunal to the Determination of this Reference to the Tribunal by the Attorney-General for Northern Ireland ('the Attorney-General'), applying to the Tribunal to issue a Direction to the Charity Commission for Northern Ireland ('the Commission'), that is not a party to these proceedings, and that application having been refused by the Tribunal in a Decision dated 16/09/2022, as set out therein;

AND UPON Mr. McKee making an application, in writing today, 23/09/2022, for variation of his request for a Direction, but, in essence, applying to the Tribunal to issue the same Direction to the Commission;

IT IS DIRECTED THAT

1. The application of Mr. McKee to vary his application for the said Direction is refused, for the same reason as before, namely, that the Commission is not a party to the Determination by the Tribunal of the reference to it by the Attorney-General.
2. It is also important, in that context to, again, remind Mr. McKee, and each of the other joined parties, that the Determination by the Tribunal of a Reference, here made by the Attorney-General, is in an entirely different statutory interpretation context to appeal proceedings brought by a party against a decision of the Commission or an application for review proceedings brought by a party against a decision of the Commission. Reference proceedings are concerned with a referral by, in this case, the Attorney-General, to ask the Tribunal to determine a general point of charity law in Northern Ireland. Determination of a Reference by the Tribunal does not involve the Tribunal making a decision in respect of any particular decision made by the Commission against any particular party who may feel their legal rights were

impugned by such decision or any individual who feels they were personally affected by a decision of the Commission. This entirely different statutory interpretation context between the determination of a Reference by the Tribunal and a decision made by the Tribunal on an appeal or application for review brought by any particular party, particularly where, in either context, that party comes before the Tribunal as a 'person affected' was explained at some length in the Joinder Decision Notice issued by the Tribunal to the AGNI, the successful applicants for joinder to determination by the Tribunal of that Reference and to the unsuccessful applicants for joinder.

3. The Referrer, the Attorney-General, as required, did state in the Reference who she thought might be affected by the Reference and why. The only person mentioned in this context was Mr. McKee. The Attorney-General expressed no opinion on the applications of the other six applicants for joinder to the determination by the Tribunal of the Reference.
4. The Tribunal notes that the variation application now brought by Mr. McKee purports to suggest that, in making his variation application, he is somehow making such variation not only on his own behalf but, potentially at least, on behalf of one or more of the other parties joined to the Determination of this Reference by the Tribunal (the Attorney-General being the only automatic Respondent, known as 'the Referrer', to the Reference). Such proposition is not accepted by the Tribunal.

Signed



Damien J. McMahon
President

Date: 23 September 2022