

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

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**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 AND  
FURTHER DIRECTIONS)**

1. The Tribunal issued Listing Directions on 22/12/2022 ('the said Directions') in connection with a remote oral hearing by WebEx, to take place on Friday, 10/02/2023, to determine the Reference herein made by the Attorney-General for Northern Ireland ('the Attorney-General').
2. One of the parties joined to these proceedings by the Tribunal, on his application, Mr. T. McKee, by email dated 04/01/2023, referred to me on 09/01/2023, made application to vary the said Directions and to seek further Directions. He copied this application to the Attorney-General, the only party who is automatically a Respondent to these proceedings, and to each of the other parties joined by the Tribunal, as Respondents, to these proceedings.
3. This was the third application by Mr. McKee in connection with, and challenging, Directions issued by the Tribunal, his two previous applications having been refused.
4. On 16/09/2022, the Tribunal refused to issue a Direction at the request of Mr. McKee joining the Charity Commission for Northern Ireland ('the Commission') as a party to these proceedings, the Commission having declined to be joined as a party.
5. On 23/09/2022, the Tribunal refused what was, in essence, a further application by Mr. McKee to join the Commission as a party to these proceedings.
6. In his latest application, Mr. McKee submitted that there should be a Rule 40 Directions Hearing held before a hearing of the substantive matter to determine these proceedings, purportedly so that the Tribunal could fully

understand the scope of Reference proceedings as understood by himself. This discrete issue was addressed in the Listing Directions issued by the Tribunal on 22/2/2022 and remains the case: in the interests of justice and the just, expeditious and economical determination of these proceedings, this application is refused. There will be every opportunity at the substantive hearing for Mr. McKee (and all parties in the proceedings) to make whatever representations they wish concerning the scope of Reference proceedings. The Reference was made to the Tribunal by the Attorney-General to invite the Tribunal to clarify a discrete area of charitable law, of general application, in Northern Ireland. The Tribunal has already set out, on a number of occasions, its current position on the scope of Reference proceedings and the Attorney-General, and other joined parties, including Mr. McKee have made written submissions in that regard, Mr. McKee on more than one occasion.

7. It is of concern that Mr. McKee may be purporting to make his latest application not only on his own behalf but also on behalf of other parties joined, on their application, by the Tribunal. This was a position previously undertaken by Mr. McKee in one of his previous applications. That application was rejected at that time by the Tribunal as being inappropriate and is now again rejected for the same reason.
8. In his latest application, Mr. McKee, for the third time, seeks to have the Tribunal direct the Commission to become a further Respondent to these proceedings. The Commission is not a party and will not be directed to be a party, it having declined an invitation by the Tribunal to be a party.
9. In his latest application, Mr. McKee submits that evidence of facts are required to determine these proceedings. The Tribunal, in its Listing Directions stated that evidence of facts, that is, evidence of facts in the form of witness statements, the authors of which would be subject to cross-examination at the request of one or more other parties, was not required in order to determine these proceedings; rather these proceedings will be determined by reference to submissions on the law on a point of general application to charity law in Northern Ireland. It is important again to point out to Mr. McKee that the determination of Reference proceedings do not involve the determination of any individual's alleged rights being impugned by a discrete decision of the Commission in their individual case; instead, the Tribunal has been invited, by the Attorney-General in this case, to clarify a question of charity law of general application in Northern Ireland. It is unfortunate that there appears to be an ongoing misconception in that regard as to the nature of Reference proceedings. It needs to be emphasised, again, that a Reference can only be made to the Tribunal by the Attorney-General or, with the consent of the Attorney-General, the Commission. No-one else can make a Reference to the Tribunal.
10. The application for variation and further Directions is refused.

Signed

A handwritten signature in black ink, consisting of a series of connected, wavy loops and curves, positioned below the word "Signed".

**Damien J. McMahon**  
**President**

Date: 13 January 2023