

**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**

JOINDER DECISION NOTICE (No. 2)

1. The Charity Tribunal for Northern Ireland ('the Tribunal') issued a Joinder Decision Notice dated 05/09/2022 to the Attorney-General for Northern Ireland ('the Attorney-General') and to each of the Applicants who sought to be joined as parties to the determination by the Tribunal of the Reference made to the Tribunal by the Attorney-General pursuant to paragraph 2(b) to Schedule 4 of the Charities Act (Northern Ireland) 2008 ('the Act'), determining which of the Applicants would be joined as parties and which of the Applicants would not be joined as parties;
2. One of the unsuccessful Applicants for joinder, Mr. William Allen, wrote to the Tribunal on 13/09/2022, attaching certain documents, making application that he should be joined as a party as he, in common with a number of the successful Applicants for joinder, had been the subject of a Direction Notice in the past, issued by the Charity Commission for Northern Ireland ('the Commission'), pursuant to the Commission having opened a statutory inquiry under the Act into a charity known as the Disabled Police Officers' Association Northern Ireland ('DPOANI'). Mr. Allen attached a copy of the Direction Notice issued to him. However, he made no mention of that fact in his original application to be joined as a party to the determination of the Reference by the Tribunal. The closing date for applications to be joined as a party was 06/05/2022. Mr. Allen had made application to be joined as a party but his application was refused. Directions issued by the Tribunal and details of that Reference were published on the JudiciaryNI website on 07/04/2022.
3. The request of Mr. Allen is refused.
4. The Original Joinder Decision Notice dated 05/09/2022 issued by the Tribunal explained, in considerable detail, the nature of the determination of a Reference by the Tribunal and how the Tribunal approached its decision on

joinder. Crucially, determination by the Tribunal of a Reference is a determination of a hypothetical question and is not concerned with the individual rights or interests of any particular Applicant for joinder as a party to that determination. Further, the meaning of a 'person affected' in the context of the determination of a Reference by the Tribunal has a completely different meaning to that of a 'person affected' in the context of an appeal against a decision of the Commission, or an application for review of a decision of the Commission.

5. It is understandable that the nature of the determination of a Reference by the Tribunal and the meaning of a 'person affected' in that context, may be confusing since it is a very novel and unusual form of legal proceedings, unique to charity law. It is an extremely rarely used procedure in any of the United Kingdom legal jurisdictions and this is the first time it has been invoked in Northern Ireland.
6. The Tribunal, in its said original Joinder Decision adopted what could be regarded as an overly-expansive view of which of the Applicants for joinder should be joined as parties. However, Mr. Allen, in his application for joinder, did not reach even that level to be joined as a party to the determination of the Reference by the Tribunal.
7. To now permit Mr. Allen to be joined as a party to the determination of the Reference by the Tribunal would raise a grave risk of unfairness to other potential Applicants and, in essence, would require the entire procedure to date to be aborted and re-commenced. This would simply be contrary to the interests of justice and the obligations imposed on the Tribunal pursuant to Rule 3 of the Charity Tribunal Rules (Northern Ireland) 2010 ('the Rules').
8. However, as stated in the original Joinder Decision Notice, all seven applicants for joinder, included unsuccessful applicants, of whom Mr. Allen was one, were at liberty to furnish written submissions, strictly confined to the issues for determination in respect of this Reference. This approach was decided by the Tribunal as being possible, on a liberal interpretation of the provisions of Rule 29 of the Rules. Any such written submissions must be furnished by 4.00pm on Friday, 23/09/2022.

Signed



Damien J. McMahon
President

Date: 14 September 2022

