

NATURE OF THE ROLE

ORDINARY (LAY) MEMBER CHARITY TRIBUNAL FOR NORTHERN IRELAND

The Charity Tribunal of Northern Ireland was established in 2010. It comprises a President, two legally qualified members and four lay members.

The purpose of the Tribunal is to provide low cost, swift access to justice for parties who wish to challenge decisions of the Charity Tribunal. It is an independent appeals body that can be accessed without needing to use the Commission's internal appeal process. Proceedings before the Tribunal have, however, proved to be more formal than in many other Tribunals. Proceedings can be complex, high value and have a high profile.

The expertise of the lay member, gained through appropriate knowledge or experience relating to charities, makes the role of the lay member crucial in determining appeals. The Tribunal is the judicial forum to determine substantive matters that come before it by way of appeal or by way of application concerning decisions made by the Charity Commission for Northern Ireland in the exercise of its statutory functions. Proceedings may also come before the Tribunal by way of reference from the Attorney-General for Northern Ireland (or from the Charity Commission with the consent of the Attorney-General). The Attorney-General is at liberty to intervene in any proceedings before the Charity Tribunal at any time and has done so on two occasions.

Appeals are by way of re-hearing, while applications are determined in accordance with judicial review principles. References do not involve substantive discrete matters of dispute but, instead, involve the Tribunal expressing a view on a general point of charity law in Northern Ireland on the subject matter of the reference.

The composition of the Tribunal in any particular hearing is determined by the President. This can vary. For example, a matter might be determined by the President or by one of the legally qualified members sitting alone, or by the President sitting with one of the legally qualified members and/or one or more of the lay members, or the President or one of the legally qualified members sitting with two lay members (The Tribunal in any particular proceedings must not exceed three members in total). The President, or one of the legally qualified members, will always chair a Tribunal hearing and be responsible for the conduct of the proceedings.

Once assigned to particular proceedings a lay member will participate in the proceedings as identified in the Job Description.

These can be summarised as follows:

- preparing for hearings;

- discussing on the day of the hearing, with the other assigned member(s), the issues in the proceedings, ensuring there are no conflicts of interest and establishing with colleagues a framework for the conduct of the hearing;
- to elicit appropriate evidence from parties or witnesses;
- following the hearing, to discuss the evidence with the other Tribunal member(s) and agree the facts found, the decision and the reasons for same;
- to consider and comment upon the draft written decision prepared by the chairman of the Tribunal (the President or legally qualified member)
- as required by the President from time to time, to contribute to various other activities such as liaison with Tribunal users and judicial complaints processes;
- to undertake training from time to time.

Hearings will normally be heard in the Tribunal Hearings Centre, The Law Courts, Chichester Street, Belfast and will commence at 10.00am. Where the legally qualified member is sitting with other Tribunal members, the members will meet no later than 9.30am to discuss the issues arising from the papers, agree an approach to the hearing and to address any factual, legal or procedural matters that may arise.

Currently, the work commitment, in terms of sittings days, is limited. It is not possible to predict if, or when, this will change as any matters coming before the Tribunal will depend on actions taken at any time by the Charity Commission in the exercise of its statutory functions.

The role of a Lay Member of the Charity Tribunal of Northern Ireland is a most satisfying one and provides an opportunity to contribute to the development of the law in Northern Ireland in a relatively new regime set out in the Charities Acts (Northern Ireland) 2008 and 2013.