



STATUTORY INSTRUMENTS.

**S.I. No. 209 of 2018**



CHARITY APPEALS TRIBUNAL (CHARITIES ACT 2009) RULES 2018

## CHARITY APPEALS TRIBUNAL (CHARITIES ACT 2009) RULES 2018

The Charity Appeals Tribunal, in exercise of the powers conferred on the said Tribunal by section 79 of the Charities Act 2009 (No. 6 of 2009) with the consent of the Minister for Rural and Community Development, hereby make the following Rules—

*Citation and commencement*

1. These Rules may be cited as the Charity Appeals Tribunal Rules 2018.
2. These Rules shall come into operation on 4th day of July 2018.

*Interpretation*

3. (1) In these Rules, unless the context otherwise requires—

“Act of 2009” means the Charities Act 2009 (No. 6 of 2009);

“appellant” means the Minister, a body or any other person, who initiates an appeal under the Act or on whose behalf an appeal is initiated;

“Authority” means the Charities Regulatory Authority;

“Minister” means the Minister for Rural and Community Development;

“person” shall be read as defined in the Interpretation Act 2005;

“respondent” means a party to the appeal who is not the appellant;

“Tribunal” means the Charity Appeals Tribunal.

*Manner of appeal*

4. (1) An appeal to the Tribunal of a decision of the Authority under the Act of 2009, other than an appeal by the Minister under section 45(4) of the Act, shall be brought—

- (a) within 21 days, or on application in writing by the appellant, such longer period as the Tribunal may, for good and sufficient reason, determine, of service on the person of a written notification of the decision, and
- (b) by using the form specified in the Schedule, (in these Rules referred to as the “appeal form”).

(2) In the case of an appeal by the Minister under section 45(4) of the Act of 2009, the appeal shall be initiated in writing on the appeal form and shall be

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 22nd June, 2018.*

served on the Tribunal within 21 days or, on application in writing by the Minister, such longer period as the Tribunal may, for good and sufficient reason, determine, after the decision of the Authority is furnished in writing.

(3) The date of service (or in the case of an appeal by the Minister, the day the person is registered) is the first day of the 21 day period.

(4) In an appeal of the type mentioned in paragraph (1), the respondent shall be the Authority.

(5) In an appeal of the type mentioned in paragraph (2), the respondents shall be the Authority and the person registered under section 39 of the Act of 2009.

(6) In every appeal, the appeal form, when sent to the Tribunal, shall be accompanied by a copy of the refusal, decision, or notice of the Authority to which the appeal relates together with all documents sought to be relied on in the appeal.

(7) The Tribunal Secretariat shall serve notice of the appeal, together with the relevant appeal form, on the respondent or respondents as soon as is practicable after receipt of a completed notice of appeal form from the appellant.

(8) Insofar as is practicable, the appeal form to be used for an appeal will be published on the internet by or on behalf of the Tribunal.

(9) Within 7 days of the Authority being notified of an appeal, the Authority shall furnish the Tribunal with copies of any documents submitted to the Authority by a charitable organisation in the process that led to the decision that is being appealed and an indication in writing of the nature and source of any other information relating to the appeal that came to the attention of the Authority during that process.

#### *Administration fee*

5. (1) A non-refundable administration fee of €100 is specified for the purposes of an appeal.

(2) On receipt of an appeal form, the Tribunal will take no action on foot of it unless and until an administration fee of €100 (in these Rules referred to as the “administration fee”) has been paid by the appellant to the Tribunal.

(3) Notwithstanding paragraph (1), if the appellant is the Minister under section 45(4) of the Act of 2009, no administration fee shall be payable.

(4) The administration fee must be paid no later than 14 days from service of the appeal form on the Tribunal, or such longer period as the Tribunal may in its discretion determine, and in default of the fee being paid, the Tribunal may dismiss the appeal.

#### *Written submissions and documents*

6. (1) At any time, whether prior to, during, or after the conclusion of a hearing, the Tribunal may request from the appellant written submissions

addressing any relevant factual or legal issues, and if so requested, the appellant shall furnish such written submissions to the Tribunal not later than 21 days after the date of the request or such other period as may be specified by the Tribunal.

(2) The Tribunal shall send a copy of any such written submissions to the respondent.

(3) The respondent shall furnish any replying written submissions to the Tribunal within 21 days of the date on which the appellant's written submissions were sent to the respondent by the Tribunal or such other period as may be specified by the Tribunal.

(4) Without prejudice to the generality of paragraph (1), the Tribunal may request that written submissions or replying written submissions—

- (a) Contain a concise statement of the general factual background to the appeal or any particular factual issue;
- (b) Include a summary of the evidence intended to be adduced by, or on behalf of, the party making the submissions;
- (c) Set out any legal arguments, whether in general or on any particular issue specified by the Tribunal, that the party relies on in the appeal;
- (d) Specify the number of witnesses, if any, that the party proposes to call at the hearing of the appeal, and a summary of the evidence to be given by each witness;
- (e) Specify any documents intended to be relied on in the appeal;
- (f) Address any other matters that the Tribunal considers relevant or potentially relevant to its determination of the appeal.

(5) The Tribunal may, for good and sufficient reason, extend the period fixed by it for the receipt of written submissions from either party, and an application for any such extension shall be made in writing giving the grounds on which it is sought.

(6) At any time, whether prior to, during, or after the conclusion of a hearing, the Tribunal may request any party to furnish it within 21 days or such other period as may be specified by the Tribunal with any documents or copies of documents.

(7) A copy of the documents referred to in paragraph (6) must be served by the party furnishing the documents on the other party or parties.

(8) The Tribunal, having heard both parties on the matter, may admit any document as evidence of any fact contained within it wherever it considers it just and proper to do so.

*Discretion to set or adapt procedure in special circumstances*

7. In special circumstances, the Tribunal may adapt the procedure to be followed on any aspect of an appeal in a manner that, in the opinion of the Tribunal, best accords with fairness and the interests of justice.

*Withdrawal of appeal*

8. (1) An appellant may withdraw an appeal by written request, signed by the appellant or his or her or its representative, sent to the Tribunal at any time prior to the determination of the appeal, or by informing the Tribunal orally at the hearing of the appeal.

(2) If the appeal is withdrawn in writing, the Tribunal will notify the respondent, or his or her or its representative, of the withdrawal as soon as is practicable.

*Representation*

9. A party to an appeal may appear in person or be represented by:

- (a) a solicitor;
- (b) a barrister; or
- (c) with the consent of the Tribunal, any other person of the party's choice.

*Procedure at hearing*

10. (1) The conduct of the hearing of an appeal will be determined by the Tribunal in a manner that, in the opinion of the Tribunal, best accords with fairness and transparency.

(2) The parties to the appeal may call witnesses to give evidence.

(3) At the discretion of the Tribunal:

- (a) witnesses will be sworn or make an affirmation; or
- (b) evidence from witnesses may be received otherwise than on oath or affirmation.

(4) A member of the secretariat of the Tribunal or any member of the Tribunal may administer the oath or affirmation.

(5) Any witness may be cross-examined by the opposing party or that party's representative.

(6) The Tribunal may curtail the examination-in-chief of a witness that the Tribunal considers repetitive or irrelevant and may curtail cross-examination that it considers repetitive, irrelevant or oppressive.

(7) At any stage during or after examination-in-chief, cross-examination, or re-examination of a witness, any member of the Tribunal may ask questions

of the witness for the purpose of clarifying any matter considered relevant by that member.

*Proceedings to be in public*

11. (1) Under section 78(1) of the Act of 2009, proceedings before the Tribunal shall, subject to subsection 78(2) of the Act of 2009, be conducted in public.

(2) The Tribunal may, on the application of a party to an appeal or of its own motion, make an order section 78 of the Act of 2009 directing that the identities of all or one or more of the parties to an appeal shall not be disclosed.

(3) An order under paragraph (2) shall be made only where the Tribunal consider that in the particular circumstances of a case it is appropriate to do so.

*Preliminary ruling*

12. The Tribunal may, in its discretion, give a preliminary ruling on any aspect of the appeal where it is satisfied that time or expense may be saved by the giving of such a ruling or where it considers it otherwise in the interests of justice to do so.

*Determination of tribunal*

13. (1) The determination of the Tribunal of an appeal will be a single decision in writing and the existence of dissenting views among the Tribunal's members will not be disclosed.

(2) The Tribunal shall give reasons for its determination of an appeal.

(3) The determination and the reasons therefor shall be communicated to the parties to the appeal as soon as is practicable after the completion of the relevant hearing or hearings.

*Corrections*

14. (1) The Tribunal may correct any error or omission in any decision made by it.

(2) A correction made under paragraph (1) shall be notified to the parties to the appeal in question or their legal representatives (if any).

*Permission to appeal to the High Court*

15. (1) A request to the Tribunal for permission to appeal a decision of the Tribunal to the High Court on a point of law, under section 80 of the Act of 2009, may be made within 14 days of the date on which the Tribunal sent notification of the decision to the applicant for permission—

(a) by any party to the appeal (in these Rules referred to as “the applicant”), and

(b) by way of a written request delivered to the Tribunal and to the other party to the appeal (in these Rules referred to as the “respondent”).

(2) A written request under paragraph (1) must be signed by or on behalf of the applicant and must—

- (a) state the name and address of the applicant and any representative of the applicant;
- (b) identify the decision of the Tribunal to which the request relates; and
- (c) state the point of law on which the applicant wishes to appeal the decision.

(3) The respondent may, within 14 days of receipt of the written request under paragraph (1), furnish the Tribunal with a written response to the request.

(4) The absence of a response from a respondent shall not be relied on by the Tribunal as a reason to grant permission to the applicant to appeal to the High Court.

*Decision on permission to appeal*

16. (1) The request for permission to appeal to the High Court shall be decided on the papers and documents presented before the Tribunal by the parties to the appeal.

(2) The decision of the Tribunal on a request for permission to appeal to the High Court and the reasons for the decision shall be recorded in writing and notified to the applicant and respondent.

(3) If the Tribunal refuses permission, the notification under paragraph (2) shall inform the applicant of his or her right to seek permission to appeal the decision, which is the subject of the request for permission to appeal, from the High Court under section 80(2)(b) of the Act of 2009.

**SCHEDULE 1**

**Appeal form to the Charity Appeals Tribunal**

This form is for making an appeal to the Charity Appeals Tribunal.

Please type or word process this form or complete it legibly using black ink and CAPITAL LETTERS. You may use extra sheets of paper but please add your name to the top of each extra page.

Please note: A non-refundable administration fee of €100 must be paid no later than 14 days from the date of submission of an appeal to the Tribunal, otherwise the appeal may be dismissed. For further information, please see [www.drctd.gov.ie/charityappealtribunal](http://www.drctd.gov.ie/charityappealtribunal)

**1. Your details**

Name of appellant: .....

Address: .....

.....

.....

.....

Telephone number: .....

Mobile number: .....

Email address: .....

**2. Representative details**

Do you have a representative? Yes ..... No .....

If yes, please provide your representative's details below.

**Please note:** Your representative's address will be taken to be an address for service furnished by you under s. 9 of the Charities Act 2009, unless you specifically notify us that you do not consent to this. Accordingly, all correspondence including the hearing notification may be sent to your representative, not directly to you. If your representative stops acting for you, please notify the Tribunal immediately.

Name of representative: .....

Firm/organisation: .....

Address: .....

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Telephone: .....  
Mobile number: .....  
E-mail address: .....  
Reference number  
(if any) .....

**3. Person registered under section 39 of the Charities Act 2009 (in the case of an appeal by the Minister)**

*In every appeal other than one taken by the Minister for Rural and Community Development, the Respondent shall be the Charities Regulatory Authority and there is no need to give details below for the Respondent.*

When an appeal is taken by the Minister, the Respondents shall be the Charities Regulatory Authority and the person registered under section 39 of the Charities Act 2009. That person's details must be provided below by or on behalf of the Minister:

Name of person: .....  
Address: .....  
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.....  
Telephone number: .....  
Mobile number: .....  
Email address: .....

Does the person registered have a representative? Yes ..... No .....

If yes, please provide that representative's details below.

Name of representative: .....  
Firm/organisation: .....  
Address: .....  
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Telephone: .....  
Mobile number: .....  
E-mail address: .....  
Reference number  
(if any) .....

**4. The decision sought to be appealed**

The decision reference number: .....

Type of decision you wish to appeal (please tick as appropriate):

<p><u>Refusal of application under section 39 of the Act</u></p> <p><i>The Tribunal may make a determination</i></p> <p><i>(a) requiring the Authority to register the appellant in the register, or</i></p> <p><i>(b) affirming the decision of the Authority.</i></p>	
<p><u>Decision under section 43 of the Act</u></p> <p><i>The Tribunal may make a determination</i></p> <p><i>(a) requiring the Authority to restore the appellant to the register,</i></p> <p><i>(b) requiring the Authority to restore the appellant to the register and impose such conditions on the appellant as the Tribunal may specify, or</i></p> <p><i>(c) affirming the decision of the Authority.</i></p>	
<p><u>Notice under section 44 of the Act</u></p> <p><i>The Tribunal may</i></p> <p><i>(a) revoke the notice under section 44</i></p> <p><i>(b) revoke the notice under section 44 and impose such conditions on the appellant as the Tribunal may specify, or</i></p> <p><i>(c) affirm the decision of the Authority.</i></p>	
<p><u>Decision under Section 42(3)</u></p> <p><i>The Tribunal may make a determination</i></p> <p><i>(a) requiring the Authority to consent to the name change, or</i></p> <p><i>(b) affirming the decision of the Authority.</i></p>	

<p><u>Decision to register under section 39*</u></p> <p><i>The Tribunal may make a determination</i></p> <p><i>(a) granting the relief sought by the Minister, or</i></p> <p><i>(b) affirming the decision of the Authority.</i></p>	
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\* Note that only the Minister for Rural and Community Development may appeal a decision to register a person under section 39.

Date of the decision you are appealing against: .....

Date you received the decision you are appealing against: .....

**Please attach a copy of the decision to this form.**

**5. Time limit for making an appeal/application**

An appellant (other than the Minister for Rural and Community Development) is required to lodge an appeal with the Tribunal within 21 days of service of the decision on the appellant. In the case of an appeal by the Minister under section 45(4) of the Charities Act 2009, the appeal shall be initiated within 21 days of the decision of the Authority.

The Tribunal may accept an appeal form outside the time limit for good and sufficient reason. For the Tribunal to do this you must request an extension of time and provide good and sufficient reason. An explanation for the delay and any other relevant information should be provided. The Tribunal will then consider whether to grant you the extension of time requested.

Do you require an extension of time? (Please tick as appropriate)

Yes, I would like the Tribunal to consider an out-of-time appeal: .....

No, an out-of-time appeal is not requested: .....

Please give reasons that you would like the Tribunal to take into account when considering your request for an out-of-time appeal:

.....

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### **6. Grounds of appeal**

Please give your grounds of appeal

Your grounds should explain why you think the decision you are appealing is wrong. You should identify the specific findings with which you disagree and explain why. If required, please use extra sheets of paper.

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### **7. Outcome of appeal**

Please indicate the preferred outcome of your appeal

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**8. The venue**

The Tribunal makes its decision after an oral hearing or hearings.

The hearings will take place in a hearing room located at O’Connell Bridge House, Dublin 2, or at such other venue as will be notified to you. Parties will be informed in writing of the hearing date.

**9. Supporting documents**

Please list any documents that you wish the Tribunal to consider in support of your appeal.

.....  
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.....

You may use an extra sheet of paper if required.

Please attach these documents and confirm that they have been attached.

Documents attached: Yes ..... No .....

**10. Any special requirements**

Please state if you, your representative, or any witnesses have a disability or other special needs that you need to bring to the attention of the Tribunal in order to help you at your hearing. Please also state if an interpreter is required and if so, please state the language (and if necessary, dialect) needed.

Signature of person appealing or their representative: .....

Date: .....

Please return the completed form together with a copy of the decision sought to be appealed and any relevant supporting documentation to:

catsecretariat@drccd.gov.ie

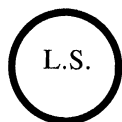
Or by post to the following address:

Charity Appeals Tribunal Secretariat  
Trinity Point  
10/11 Leinster Street South  
Dublin 2  
D02EF85

**Please note:** You should also submit a copy of the appeal form to the Charities Regulator within seven days of submitting the appeal form to the Tribunal.

If you have any queries, the Tribunal Secretariat may be contacted on: 076 100 6921

The Minister for Rural and Community Development consents to the making of the foregoing Rules.



GIVEN under the Official Seal of the Minister for Rural and Community Development,  
19 June 2018.

MICHAEL RING,  
Minister for Rural and Community Development.

The Charity Appeals Tribunal, constituted pursuant to the provisions of Section 75 of the Charities Act 2009, in exercise of the power conferred on it by Section 79 of the Charities Act 2009, with the consent of the Minister for Rural and Community Development hereby makes the foregoing Rules.

19 June 2018.

PATRICK O'CONNOR,  
(Chairperson).

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These rules, which come into effect on 4th day of July 2018, provide general rules of procedure for the Charity Appeals Tribunal in accordance with Section 79 of the Charities Act 2009.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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