



# Charities Act 2011

## 2011 CHAPTER 25

### PART 17

#### THE TRIBUNAL

#### CHAPTER 1

##### GENERAL

### **315 The Tribunal**

- (1) In this Act, “the Tribunal” in relation to any appeal, application or reference, means—
  - (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal, application or reference, or
  - (b) the First-tier Tribunal, in any other case.
- (2) The Tribunal has jurisdiction to hear and determine—
  - (a) such appeals and applications as may be made to the Tribunal in accordance with Chapter 2, or any other enactment, in respect of decisions, orders or directions of the Commission, and
  - (b) such matters as may be referred to the Tribunal in accordance with Chapter 3 by the Commission or the Attorney General.
- (3) Such appeals, applications and matters are to be heard and determined by the Tribunal in accordance with Chapters 2 and 3, or any such enactment, taken with—
  - (a) rules made under section 316(2), and
  - (b) Tribunal Procedure Rules.

### **316 Rules relating to appeals, applications or references**

- (1) This section applies in relation to appeals, applications or references to the Tribunal which are mentioned in section 315(2).

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*Changes to legislation: Charities Act 2011, CHAPTER 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (2) The Lord Chancellor may make rules—
  - (a) specifying steps which must be taken before appeals, applications or references are made to the Tribunal (and the period within which any such steps must be taken);
  - (b) requiring the Commission to inform persons of their right to appeal or apply to the Tribunal following a final decision, direction or order of the Commission.
- (3) Tribunal Procedure Rules may make any other provision regulating the exercise of rights to appeal or to apply to the Tribunal and matters relating to the making of references to it.
- (4) Rules under subsection (2) or (3) may confer a discretion on—
  - (a) the Tribunal, or
  - (b) any other person.
- (5) Rules of the Lord Chancellor under this section—
  - (a) are to be made by statutory instrument, and
  - (b) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Rules of the Lord Chancellor under this section may make—
  - (a) different provision for different cases, and
  - (b) such supplemental, incidental, consequential or transitional provision or savings as the Lord Chancellor considers appropriate.

### **317 Appeal from Tribunal**

- (1) For the purposes of sections 11(2) and 13(2) of the Tribunals, Courts and Enforcement Act 2007, the Commission and the Attorney General are to be treated as parties to cases before the Tribunal in respect of any such appeal, application or reference as is mentioned in section 315(2).
- (2) In the case of an appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007 against a decision of the Tribunal which determines a question referred to it by the Commission or the Attorney General, the tribunal or court hearing the appeal—
  - (a) must consider afresh the question referred to the Tribunal, and
  - (b) may take into account evidence which was not available to the Tribunal.

### **318 Intervention by Attorney General**

- (1) This section applies to any proceedings—
  - (a) before the Tribunal, or
  - (b) on an appeal from the Tribunal,
 to which the Attorney General is not a party.
- (2) The appropriate body may at any stage of the proceedings direct that all the necessary papers in the proceedings be sent to the Attorney General.
- (3) A direction under subsection (2) may be made by the appropriate body—
  - (a) of its own motion, or
  - (b) on the application of any party to the proceedings.

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- (4) The Attorney General may—
  - (a) intervene in the proceedings in such manner as the Attorney General thinks necessary or expedient, and
  - (b) argue before the appropriate body any question in relation to the proceedings which the appropriate body considers it necessary to have fully argued.
- (5) Subsection (4) applies whether or not a direction is given under subsection (2).
- (6) In this section “the appropriate body” means the Tribunal or, in the case of an appeal from the Tribunal, the tribunal or court hearing the appeal.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)