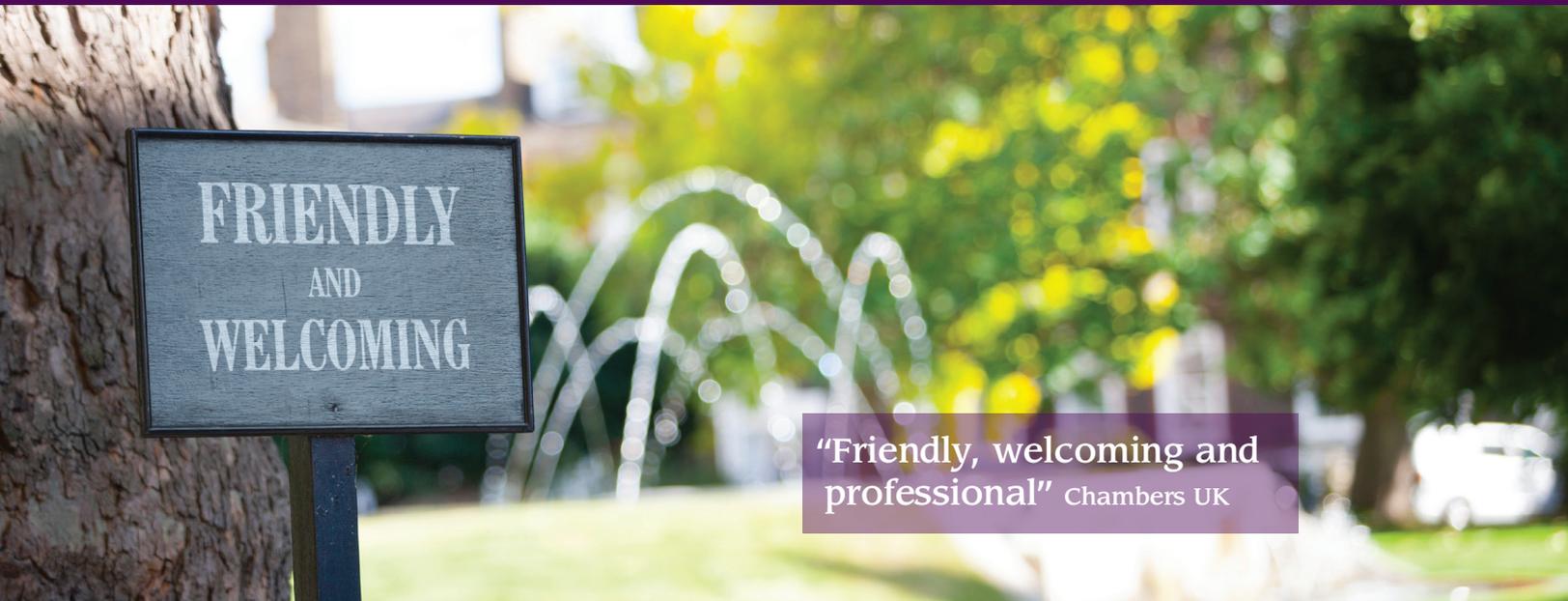


# Charities



“Friendly, welcoming and professional” Chambers UK

“The undisputed leading set in charities law.” Charities section, Chambers UK

Radcliffe Chambers offers an exceptional concentration of expertise in charity law. Our members include a former Deputy Charity Commissioner and a former standing counsel to the Charity Commission for England and Wales.

Several other members serve on the Attorney General's panels of junior counsel to the Crown, and act for the Attorney General, government departments, local authorities and regulators in charity cases.

Our charity practitioners have comprehensive knowledge of all aspects of charity law and practice, including:

- Charity formation and governance
- Charity land and assets
- Reorganisation, merger and dissolution of charities
- Charities facing internal disputes
- Inquiries by the Charity Commission
- Charities relationships with commercial or other non-charitable entities
- Borrowing by charities
- Northern Ireland charity law
- Appeals against decisions of the Charity Commissions for England and Wales and Northern Ireland.
- Ecclesiastical law
- Education law
- Legacies to charities
- Regulation of charities
- Taxation of charities and charity giving
- Non-domestic rates

They are experienced advocates before the courts, the Upper Tribunal and the First-tier Tribunal (Charity). They also have expertise in other areas of law which may affect charities, such as the law relating to companies, insolvency, property, succession, trusts and taxation.

## Publications

Mark Mullen is the author of “Running a Charity” (4th ed, 2015) (Jordans); Francesca Quint was the author of the 1st and 2nd editions

Francesca Quint is co-editor of ‘Charities: the Law & Practice’ (Sweet & Maxwell)

Francesca Quint is a co-contributor to the ‘Charities and Charitable Giving’ title of Butterworth’s Encyclopaedia of Forms & Precedents (Vol 6(2) in the 5th edition, 2013 Reissue (LexisNexis)

Francesca Quint is draftsman of the model governing documents for charities published by the Charity Law Association (now in their 3rd edition).

## Cases of Note

Much of the casework in the charities field requires advice, drafting or guidance on proposed transactions or how to deal with a regulator. Our members are highly skilled in these fields as well as in advocacy before the courts and tribunals. Below are some of the cases where we have represented clients in charity litigation.

***Bangor Provident Trust Limited v Charity Commission for Northern Ireland*** [2015] NICA 21 - whether use of the word ‘conducive’ in objects clause prevented the institution from being a charity (Francesca Quint)

***Charity Commission for England and Wales v Framjee & Others*** [2014] EWHC 2507 (Ch)– decision on the proper method of distributing funds from a failed online giving site (Francesca Quint)

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**Park v Cho** [2014] EWHC 55 (Ch) – appeal against lifting of stay of enforcement of costs order following trial in charity proceedings due to lack of Charity Commission permission to bring proceedings (Joshua Winfield)

**Marwaha v Singh** [2013] EWCA Civ 1878 – held that the court could interfere in the exercise of charity trustees' discretion where they acted in breach of duty without an allegation of bad faith (Robert Pearce QC, Howard Smith, Joshua Winfield)

**Cifici v Erbil** [2012] EWHC 3170 (Ch) – declarations as to the constitution governing an unincorporated Alevi charity and the validity of registration of new members (Francesca Quint, Joshua Winfield)

**Re Longman, Deceased** [2012] EWHC 666 (Ch) – construction of a gift of residue to a charity involved in a merger between the date of the will and the date of death, in light of s 75F of the Charities Act 1993 (now s 311 of the Charities Act 2011) (Joshua Winfield)

**Phillips v RSPB** [2012] EWHC 618 (Ch) – a failed legacy saved for charity and applied cy-près on the basis that there was a subsequent, rather than initial, failure of the legacy (Christopher Buckley)

**Re Wedgwood Museum Trust Limited** [2011] EWHC 3782 (Ch) – whether the administrators of an insolvent charitable company could have recourse to museum exhibits vested in the charity to contribute to the deficit in a group pension scheme in which the charity was a participating employer (Robert Pearce QC)

**R. (Independent Schools Council) v The Charity Commission for England and Wales** [2011] UKUT 421 (TCC) – application for judicial review of Guidance issued by Charity Commission (Robert Pearce QC, Francesca Quint, Mark Mullen; Elizabeth Ovey sat on the Tribunal)

**Cuppige v Lawson** [2010] EWHC 3785 (Ch) – complex issues relating to the Recreational Charities Act, the Charitable Trusts Validation Act, and the rule against inalienability (Thomas Dumont, Piers Feltham)

**Kings v Bultitude** [2010] EWHC 1795 (Ch) – whether initial or subsequent failure of a charitable gift by will (Mark Mullen)

**Catholic Care (Diocese of Leeds) v Charity Commission** [2010] EWHC 520 (Ch) – ability of charitable adoption agency to discriminate on grounds of sexual orientation (Robert Pearce QC)

**Re Carapiet's Trust** [2002] EWHC 1304 – whether a charity was governed by the law of England and Wales despite decision maker and beneficiaries being located abroad (Francesca Quint)

**RSPCA v Attorney General** [2002] 1 WLR 448 – dispute over membership with supporters of hunting: human rights questions and when RSPCA could refuse membership (Francesca Quint)

**Holmes v McMullan** [1999] STC 262 – charitable exemption from IHT on mixed residue (Thomas Dumont)

**Varsani v Jesani** [1999] Ch 219 (CA) – scope of court's jurisdiction to make a scheme to divide the assets of a religious charity (Robert Pearce QC)

**Gray v Taylor** [1998] 1 WLR 1093 (CA) – the status of almshouse residents: tenants or licensees? (Francesca Quint)

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## Areas of Expertise

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## Members of Chambers practising in this area of law

Robert Pearce QC

Francesca Quint

Gordon Nurse

Michael Heywood

Elizabeth Ovey

Thomas Dumont

Piers Feltham

Howard Smith

Clive Moys

Kate Selway

William Moffett

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Joshua Winfield

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