

# EDITORIAL

Welcome to Volume 16 of the Charity Law & Practice – the third Volume which I have had the pleasure to edit. I thank both the contributors to this Volume and also the readers who have made contact during the year to comment on various articles contained within it.

I have tried to continue the good work which has already gone into the Review since its inception, so as to maintain the quality and variety of relevant material that is published. The introduction of a refereeing process for academic articles has proved to be a successful addition in that it has achieved the aim of encouraging more contributions from academics who wish to publish their work in a peer-reviewed journal. Of course, this does not preclude contributions from practitioners, which are always very welcome, be they short or long, and this issue is no exception.

I am very pleased to report that the bulk of this Volume consists of papers that emanated from a Key Cases in Charity Law Symposium held at the Charity Law & Policy Unit, University of Liverpool in May 2013. Contributions are from: charity practitioners – Ian Alderson, Robert Meakin and Hubert Picarda QC; from charity academics - Dr Alison Dunn, Dr Jonathan Garton, Professor Peter Luxton and Dr John Picton; and, recently retired Lord Justice of Appeal with significant experience in charity law cases – Sir John Mummery. This section of the Volume has its own introduction that follows this editorial. I will limit my comments here to note that experts in charity law gathered at the Symposium to discuss eight key cases that have shaped charity law over the centuries. The invited audience then discussed the importance of the developments which were chosen by the speakers and decided whether each case earned its place as a key case. All present on the day agreed that the it was a wonderful opportunity to re-visit some old case law, acknowledging that those evergreen classic cases still provide plenty food for thought, despite the enactment of the Charities Act 2006 (now 2011). Now that the papers are published in this Volume, readers will be able to share that opportunity.

The remaining contributions in this Volume come from Alison McKenna, Principal Judge of the First-Tier Tribunal (Charity) and Dr Alison Synge, a lecturer at Cardiff University. The subject matter of both these articles marks a return to areas that have recently been covered in the Review, as a result of changes brought about by the Charities Act 2006 (now 2011). The first concerns the First-Tier Tribunal (Charity) and the second concerns the renewed emphasis on the public benefit requirement.

In Alison McKenna's piece, she explores the issues raised by applications to the First-Tier Tribunal (Charity) from 'persons who are or may be affected' by a Charity Commission decision, in contrast to applications made by a charity which is itself the subject of the disputed decision. She notes that there is an interesting tension in such proceedings between the interests of the third party applicants and those of the charity which is the subject of the appealed decision direction or order. She suggests that through these applications, the Tribunal may be used as a mechanism by which charities (rather than the Charity Commission) are held to account by and recommends that there should be public discussion on this issue.

In her article, Dr Mary Synge examines the concept of 'public benefit' by reference to a comparison of the jurisdictions of England and Wales, Scotland, Northern Ireland and Ireland, before looking further afield to the European Commission's proposal for a new legal entity for public benefit purposes, the 'European Foundation'. Whilst she acknowledges the great benefit of having a consistent approach to charity law across the jurisdictions of the UK and Ireland, she notes that this is not evidenced from the current treatment of the public benefit concept. This does not bode well for an integrated approach across Europe.

I now look forward to receiving and publishing contributions in the next Volume. I am happy to discuss any potential contributions with those who have interests in charity law and practice.

Happy Reading!

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