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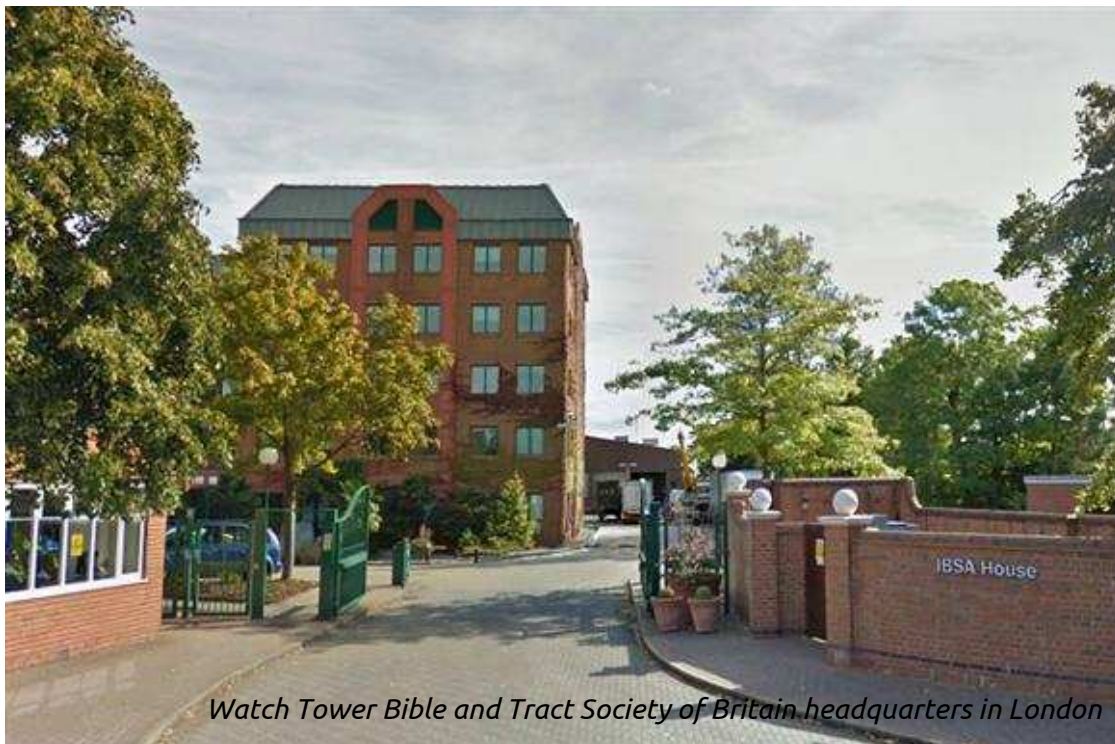


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Jehovah's Witnesses body again told it cannot appeal opening of a statutory inquiry

10 April 2015 by Sam Burne James, 1 comment

And the charity tribunal has rejected complaints about the hearing process in a case involving a Manchester-based Witnesses congregation



Watch Tower Bible and Tract Society of Britain headquarters in London

The governing body of the Jehovah's Witnesses has again been told it cannot appeal against the opening of a Charity Commission statutory inquiry, and the charity tribunal has dismissed concerns about the tribunal hearing process in a similar but separate case involving a Manchester-based congregation.

In June last year, the commission opened statutory inquiries into the Watch Tower Bible and Tract Society of Britain and the Manchester New Moston Congregation of Jehovah's Witnesses amid concerns about safeguarding. It had emerged that victims of sexual abuse by a former trustee of that congregation had been required to meet and answer questions from their abuser, who had just been released from the prison he was given for abusing them, a tribunal document shows.

The New Moston congregation's trustees lodged an appeal against the opening of a statutory inquiry the month after the inquiry was announced.

The WTBTSB said at the time that it would appeal against the inquiry at the tribunal, but first it applied for a judicial review of the opening of the inquiry. This was rejected on 12 December – the judge said the case should be taken to the charity tribunal and he was satisfied the tribunal would extend the deadline for making an appeal.

The WTBTSB lodged an appeal with the tribunal on 22 December; but on 3 March this year the appeal was rejected because it was made outside the time limit of 42 days.

Alison McKenna, the principal judge of the tribunal, wrote in her decision on the matter that the commission had told the charity repeatedly "that judicial review would not be available to it because parliament had created the alternative remedy of an appeal to the tribunal". She said it would not be fair for the commission to have to continue delaying the commencement of its inquiry as a result of the charity's choice of litigation strategy.

On 3 March, that decision was appealed by the WTBTSB. A document finalised by the tribunal on 2 April and published this week says that McKenna does not consider she made any arguable errors of law and will not allow a review of the decision.

In December last year, McKenna issued directions for how to proceed with a hearing in the New Moston case. The New Moston trustees then asked

McKenna to review two paragraphs of those directions – which related to evidence and witness statements to be used at the hearing – or to give permission for an appeal against the directions to be made at the Upper Tribunal.

McKenna refused this in a decision made in January. On 4 February, McKenna additionally ruled that the lawyers for the congregation should not be allowed to cross-examine two witnesses for the commission at the hearing. On 4 March the trustees asked for permission to appeal this – this was rejected in a decision reached and published at the same time as latest WTBTSB decision.

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And all the time the abuse survivors wait for the inquiry to begin. The WBTS can wriggle and squirm but the facts will not change. Glad the judge can see their legal games. Let's hope this gets underway now.

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