



News

Jehovah's Witness charity loses appeal against Commission inquiry

Governance | David Ainsworth | 15 Mar 2016

Tags: Cases and inquiries

The UK's leading Jehovah's Witness charity has lost an appeal for a judicial review of a [Charity Commission](#) inquiry into its safeguarding procedures, but won a review of a Commission order to produce documents.

The Watch Tower Bible and Tract Society of Britain sought a judicial review of a decision in 2014 to open a statutory inquiry into its safeguarding policies for children and adults at risk. The inquiry was opened following allegations that a congregation of Jehovah's Witnesses had [allowed a paedophile to question his victims as a](#)

["disfellowship" meeting.](#)

The charity also sought a review of a Commission order requiring it to produce, among other things, "All documents created on or after 1 June 2011 setting out or recording an instance or allegation of, or complaint about, abuse of or by a person who is or has been a member of the charity or a congregation charity."

"The case was heard in February in the Court of Appeal by Lord John Dyson, the Master of the Rolls – the second most senior judge in England and Wales – sitting with Lord Justice Richard McCombe and Lord Justice David Richards.

The three judges unanimously ruled against the appeal in the case of the statutory inquiry, saying that the Charity Tribunal was the proper place to hear a challenge.

However they allowed a review of the production order, because the wording of the Charities Act 2011 limits the tribunals' ability to hear such challenges.

A [Charity Commission](#) spokesman said: "The Commission is pleased that the court unanimously dismissed Watch Tower's challenge to the Commission's decision to open an inquiry. This is a significant decision allowing the Commission's inquiry to continue to progress. The challenge was dismissed because the court accepted the Commission's argument that the First-tier Tribunal (Charity) was the correct place to hear Watch Tower's challenge to the inquiry opened by the Commission. The Commission believes that the specialist Tribunal is the right venue for such cases and is pleased that the Court of Appeal has confirmed this.

"The Commission is disappointed that the Court of Appeal found in favour of Watch Tower in one respect, deciding that the challenge to the Commission's order seeking documents from the charity should be heard by the Administrative Court rather than the Tribunal. This decision was reached because of the specific wording of section 320 of the Charities Act 2011, which limits the Tribunal's jurisdiction to hear challenges to such orders."

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