



# Claim Form (CPR Part 8)

In the HIGH COURT OF JUSTICE

CHANCERY DIVISION

Claim No.

HC13C05520

Claimant

**THE CHARITY COMMISSION OF ENGLAND AND WALES**  
of PO Box 1227, Liverpool L69 3UG



Defendants

- (1) **PESH FRAMJEE** (the Interim Manager of the Dove Trust, appointed pursuant to s. 76 of the Charities Act 2011)
- (2) **BRYAN GUNN**
- (3) **DONNA NAGHSHINEH**
- (4) **KEITH COLMAN**
- (5) **PETER FARLEY**

Does your claim include any issues under the Human Rights Act 1998?  Yes  No

Details of claim (*see also overleaf*)

1. The Charity Commission (the "**Commission**") is the regulator of charities in England and Wales and is authorized, by s. 78 of the Charities Act 2011 (the "**2011 Act**"), to apply to the High Court for directions in relation to any particular matter arising in connection with the discharge of the functions of any interim manager appointed pursuant to s. 76 of the 2011 Act.
2. The Dove Trust is a trust established in 1983 for general charitable purposes. The trust deed which established the Dove Trust empowered its trustees to themselves engage in charitable activities. At the material times, the trustees of the Dove Trust were:
  - a. Keith Colman, a trustee between 16 June 1983 and 4 December 2013,
  - b. Peter Farley, a trustee between June 2012 and 30 June 2013,
  - c. Bryan Gunn, who was appointed on 6 April 2007 and remains a trustee, and
  - d. Donna Naghshineh, who was appointed in July 2012 and remains a trustee.

- Defendant's name and address
1. Pesh Framjee, of Crowe Clark Whitehill, St Bride's House, 10 Salisbury Square, London, EC4Y 8EH
  2. Bryan Gunn, Flat 4, Hillfield, Congleton Road, Alderley Edge, Cheshire, SK9 7AA
  3. Donna Naghshineh, The Old Hall, Church Lane, Barford, Norwich, NR9 4AY
  4. Keith Colman, Park Farm, Dereham Road, Bawdeswell, Dereham, NR20 4AA
  5. Peter Farley, 4 Hilbre Court, Sheringham, Norfolk, NR26 8NP

Court fee	£
Solicitor's costs	
Issue date	

the court office at

open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

208 Claim form (CPR Part 8) (October 2000)

Crown Copyright. Reproduced by Sweet & Maxwell Ltd

3. The Dove Trust's principal activity over recent years has been the operation of the website [www.charitygiving.co.uk](http://www.charitygiving.co.uk) (the "Website"), the purpose of which was to facilitate charitable giving (to charities other than the Dove Trust) by members of the public.
4. The Dove Trust was poorly managed. In particular, substantial loans were made from charitable assets to companies associated with Keith Colman which have not been repaid, accounts were regularly filed extremely late, and the Website was loss-making such that the Dove Trust had to engage in what has been described as "teeming and lading" (ie using donations made for charity B in a particular month to pay donations made to charity A in a previous month).
5. The Claimant appointed the First Defendant as Interim Manager of the Dove Trust on 6 June 2013, on the basis that there had been misconduct or mismanagement and/or that the appointment was necessary to protect charitable property. The Commission directed that no further payments should be made from the Dove Trust's bank accounts (without its prior consent) on 28 June 2013; and the Commission extended the First Defendant's appointment, such that it was to the exclusion of the other trustees of the Dove Trust, with effect from 12 July 2013.
6. The Interim Manager has, in particular, discovered that there is a substantial shortfall in funds available to discharge donations made through the Website. There is, at present, approximately an aggregate credit balance of £569,000 in the Dove Trust's bank accounts. By contrast, (i) about £1,690,000 has been donated to specific charities and good causes via the Website but has not been paid, (ii) the Dove Trust has potential additional liabilities to other charities and good causes in an amount of approximately £480,000, and (iii) the Dove Trust has liabilities to trade creditors of about £38,000.
7. There is evidence to suggest that monies donated through the Website are held on trust for the charities that donors wished to benefit.
8. Accordingly, pursuant to s. 78 of the Charities Act 2011 (and if necessary the Court's charitable and/or equitable and/or inherent jurisdiction), the Claimant seeks:
  - a. Declarations as to whether donations paid by members of the public through the Website (i) are held on trust (and if so declarations as to the identities of the beneficiaries of such trust(s)) and/or (ii) gave rise to contractual obligations on the part of the trustees of the Dove Trust (and if so the nature of those obligations).
  - b. In the event that the said donations are held on trust: (i) directions as to how the shortfall of trust funds should be allocated between beneficiaries and (ii) (insofar as necessary) authorization from the Court for the fees and expenses of the First Defendant to be taken from such funds donated through the Website as are declared to be held on trust.
  - c. Such further or other declarations, directions or relief as the Court deems appropriate (including (i) as to the Special Cases and Unidentified Charities described in the evidence in support of this claim and (ii) a direction that any judgments given or declarations made on this claim will be binding on non-parties).
9. At the first hearing of this claim, the Claimant will seek directions only.

## Statement of Truth

\*~~(I believe)~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full name STEPHEN JOHN ROBERTS

Name of claimant's ~~solicitor's firm~~ CHARITY COMMISSION

signed S. Roberts position or office held HEAD OF LITIGATION

\* (Claimant) ~~(Litigation friend)~~ ~~(Claimant's solicitor)~~ (if signing on behalf of firm or company)

\*delete as appropriate

Charity Commission  
PO Box 1227  
Liverpool L69 3UG  
litigationandreview@charitycommission.gsi.gov.uk

Claimant's or claimant's solicitor's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.