

## DRAFT LETTER FROM SECRETARY TO TOM MCGRATH



From: Tracy Meharg  
Permanent Secretary

Level 9  
Causeway Exchange  
1-7 Bedford Street  
BELFAST  
BT2 7EG

Telephone: 028 90 823301

E-mail: [tracy.meharg@communities-ni.gov.uk](mailto:tracy.meharg@communities-ni.gov.uk)

Your Ref:

Our Ref:  
Date: X July 2019

Mr Tom McGrath  
Chief Commissioner  
Charity Commission for Northern Ireland  
257 Lough Road  
Lurgan  
Craigavon  
BT66 6NQ

Dear Tom,

At our meeting on 5 June you requested that the Department issue the Commission with a letter of indemnity against any financial losses incurred if you continue to work at risk under the existing procedures i.e. staff discharging the functions assigned to the Commission in the Charities Act (Northern Ireland) 2008.

Legal advice indicates that it would be inappropriate for the Department to provide such an indemnity to the Commission for the continued operation of a decision making process which has been deemed by a High Court Judge to be unlawful.

I can confirm, however, that the Department will meet any costs which the Commission cannot meet from its own resources which are incurred as a result of any claim made against the Commission in respect of decisions taken prior to the High Court Draft Judgement handed down by Madam Justice McBride on 16 May 2019. This will apply

to actions taken against the Commission as a whole or any member of staff who acted in good faith on behalf of the Commission.

Yours Sincerely,

Tracy Meharg  
Permanent Secretary