



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Charity**

Tribunal Reference: CA/2015/0003
Appellant: The Steadfast Trust
Respondent: The Charity Commission for England and Wales
Judge: Peter Lane

DECISION NOTICE

1. The appellant seeks permission to appeal the Ruling on Preliminary Issue of Judge McKenna dated 26 May 2015, in which she extended time in order to allow the appellant's application to the Tribunal to proceed. The appellant has also made application to set aside the judge's decision as one which disposes of proceedings. The application refers to rule 5 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009; but rule 41 must be intended.

2. Permission to appeal is refused. Since Judge McKenna extended time, there is no purpose in litigating the hypothetical issue of what is meant by "sent" in the context of the relevant legislation. Likewise, no reason has been advanced for litigating at this stage whether the decision that forms the basis of the application for review is when the respondent formed the view that the appellant was not charitable, as opposed to when it removed the appellant from the register. It has not been begun to be shown that the judge's decision is capable of being a decision *in rem*, binding in other judicial proceedings. So far as the present substantive proceedings are concerned, the appellant will be entitled in due course to advance its case regarding which is the relevant decision, provided it can be shown to be relevant to the matters to be adjudicated by the Tribunal.

3. What I have said in paragraph 2 above applies, even if there might be said to be an arguable error of law in the decision of 26 July. Any such error would not be material and/or such as to make it appropriate to grant permission. In fact, I can see no such arguable error. Judge McKenna's reasoning is entirely cogent.

4. The application to set aside the decision is misconceived. The judge's decision does not dispose of proceedings; quite the opposite.

**Judge Peter Lane
Chamber President**

Dated 2 July 2015