



**Appeal number: CA/2014/0004
CA/2014/0006
CA/2014/0007**

**FIRST-TIER TRIBUNAL (CHARITY)
GENERAL REGULATORY CHAMBER**

JOHN NICHOLSON AND FIVE OTHERS Appellants
TONY GREENSTEIN
AYED ABU EQTAISH

- and -

THE CHARITY COMMISSION FOR Respondent
ENGLAND AND WALES

**DECISION
ON AN APPLICATION FOR PERMISSION TO APPEAL**

1. On 2 September 2014, I granted limited permission to appeal to Mr Nicholson in respect of my ruling of 4 August 2014. Mr Nicholson has since renewed his application for permission to appeal in respect of the refused grounds to the Upper Tribunal (Tax and Chancery Chamber). One of these grounds relates specifically to the position of Mr Eqtaish.

2. Throughout the First-tier Tribunal proceedings, Mr Nicholson made representations on behalf of Mr Eqtaish as well as on behalf of Mr Greenstein, himself and five others. However, the Upper Tribunal (Tax and Chancery Chamber) has recently expressed some doubt about whether my ruling of 2 September did in fact constitute a refusal of permission to Mr Eqtaish or whether it was directed to Mr Nicholson alone. I understand that this is because Mr Nicholson did not include all of the First-tier appeal numbers on his application to the Upper Tribunal. It is of course necessary to clarify the position in order to ensure that the Upper Tribunal Judge has jurisdiction to consider the cases of all the Applicants at a forthcoming hearing.

3. I am happy to confirm for the Upper Tribunal that I had understood the application for permission to appeal to have been made by Mr Nicholson on behalf of Mr Eqtaish and the others, and that I made my decision on 2 September intending it to be a decision in Mr Eqtaish's case as well as Mr Nicholson's and the others. My intention is shown by the language of the ruling, the inclusion of all their reference numbers in the top right hand corner and the inclusion of all of their names in the heading. I hope that this clarification is sufficient to confirm the Upper Tribunal's jurisdiction.

4. Out of an abundance of caution, Mr Nicholson has made a fresh application for permission to appeal on behalf of Mr Eqtaish. This is dated 12 November 2014, and so it is made out of time. I hereby extend the time for applying for permission to appeal so that this new application may proceed. It is fair and just to do so as Mr Eqtaish clearly thought that his application had been made and determined previously.

5. The application dated 12 November is in exactly the same terms as Mr Nicholson's previous application. I also now refuse permission to appeal on grounds two and three, and give permission to appeal in respect of ground one to Mr Eqtaish for the same reasons given in my ruling of 2 September 2014.

Alison McKenna

**PRINCIPAL JUDGE
13 November 2014**

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