



Appeal number: CA/2017/0001

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

**Appellant**

**LEEDS CAT RESCUE**

**- and -**

**Respondent**

**THE CHARITY COMMISSION FOR  
ENGLAND AND WALES**

**JUDGE ALISON MCKENNA**

**Sitting in Chambers on 16 January 2017**

Upon the Appellant submitting a Notice of Appeal dated 10 January 2017

And Upon the Respondent submitting that the proposed appeal is not within the Tribunal's jurisdiction and should be struck out

**IT IS DIRECTED** that this appeal is struck out pursuant to rule 8 (2) (a) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.

**REASONS**

1. The Notice of Appeal in this case is in respect of a decision of the Respondent refusing to make a Direction under s. 42 of the Charities Act 2011, requiring a charity to change its name.

2. The Tribunal may only accept applications which relate to a decision listed in schedule 6 to the Charities Act 2011. I am satisfied that no decision which gives rise to a right of appeal to the Tribunal has been made.
3. The right of appeal created by Parliament is against the making of a positive Direction under s. 42 only, and does not include a refusal to make a Direction.
4. I conclude that the Tribunal has no jurisdiction in this matter and so this appeal must now be struck out. I have directed accordingly. I have no discretion in this matter.
5. As the Respondent has helpfully pointed out, the Appellant has other potential remedies. It could make an application for Judicial Review in respect of the refusal to make a Direction under s. 42, or it could ask the Respondent to conduct an internal decision review.

(Signed on the original)  
**Alison McKenna**  
**PRINCIPAL JUDGE**

**16 January 2017**

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