



**IN THE FIRST TIER TRIBUNAL (CHARITY)
GENERAL REGULATORY CHAMBER**

CA/2014/0016

MOHAMMED ANIQUE

Appellant

-and-

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

Sitting in Chambers

DECISION

The application of Abdul Razzaq and Javaid Malik ('the Applicants'), received on 3 March 2016, for permission to appeal the decision of the Tribunal made on 15 February 2016 refusing to join the Applicants as parties to these proceedings is refused.

REASONS

1. In essence, in terms, the Applicants allege the following substantive errors of law in the said decision of 15 February 2016 refusing to join them as parties to these proceedings that are no longer extant:
 - a) the matters at issue in these proceedings are such that any member of the Charity is entitled to be joined as a party to the proceedings at any stage as persons 'directly affected';
 - b) since the Appellant in these proceedings did not appeal the decision of the Tribunal issued on 8 January 2016, any member of the Charity had a right to be now joined to the proceedings and, if joined, to apply for permission to appeal that decision;
 - c) these proceedings remain alive and have not been disposed of by the decision

of the Tribunal;

- d) in making its decision of 15 February 2016, the Tribunal did not act in accordance with the overriding objective imposed by Rule 2 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 ('the rules in that the importance and complexity of the matters at issue in the application of the Applicants to be joined to these proceedings were not properly considered and the need for flexibility in the proceedings was not properly, fairly and justly considered.
2. In accordance with Rule 44 of the Rules, I considered whether to review the decision of 15 February 2016. I have decided not to review that decision as I am satisfied that there was no error of law in that decision.
 3. I have carefully considered each of the Applicants' grounds of appeal. I am not satisfied that those grounds, or any of them, raise arguable errors of law as alleged for the reasons set out in the decision of the Tribunal issued on 15 February 2016:
 - a) The first ground envisages that a member of a Charity can apply to be joined to the proceedings at any stage as a person 'directly affected'. While this is correct, it is clear that the only reason why the Applicants sought to be joined as Appellants to the proceedings was because the Appellant, who was the only Appellant, but who, at all times throughout the proceedings, was closely advised by one of the current Applicants, Mr. A. Razzaq, who, indeed, acted as McKenzie Friend to the Appellant throughout the proceedings, did not apply for permission to appeal the decision of the Tribunal issued on 8 January 2016.
 - b) The second ground is closely linked to the first ground and the same reasons apply. On the Applicants' own admission, the only purpose in their seeking to be joined as Appellants was to seek permission to appeal the decision of the Tribunal issued on 8 January 2016
 - c) No application for permission to appeal the decision of the Tribunal issued on 8 January 2016 was received from either party to the proceedings, nor from the Attorney-General. Accordingly, the said decision of 8 January 2016 disposed of these proceedings. There are, therefore, no extant proceedings to which the Applicants could be joined.
 - d) In relation to the fourth ground, since these proceedings were no longer extant this submission had no substantive, or any, merit. While the Applicants identify an alleged breach of parts of Rule 2(2)(a) and (b), these are matters that require the Tribunal to have regard to in dealing with a case justly and fairly: they are not exclusive. There is nothing in the Applicant's application for permission to appeal that provides any basis for a finding that the Tribunal did not deal with their application to be joined as parties in anything but a fair and just manner. It seems the Applicants are of a view that they are entitled, as of right, as 'persons affected', as members of the Charity in question, to be joined as parties after the appeal has been disposed of and in circumstances where neither the only Appellant nor the Respondent nor the Attorney-General did not apply for permission to appeal.

4. In accordance with Rule 43 of the Rules, the parties, but are advised of their right to make application to the Upper Tribunal in writing for permission to appeal the decision refusing to join the Applicants as parties to these proceedings that are no longer extant within one month of this decision being issued. Any such application must include a copy of this decision, the decision issued on 15 February 2016, and any accompanying letters in relation to each decision.

Dated: 21 March 2016

**Signed: Damien J. McMahon
Tribunal Judge.**

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