



**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 Javid Malik, received on 9 February 2016, to be joined as parties to these proceedings is refused.

REASONS

1. A decision on this appeal was made by the Tribunal on 8 January 2016 following a hearing that took place on 23 and 24 November 2015 ('the Decision'). The appeal was dismissed. The Decision was a decision disposing of all issues in the proceedings.
2. The only parties who had entitlement, pursuant to Section 317 of the Charities Act 2011 and Rule 42 of the Charity Tribunal Rules 2014 ('the Rules'), to appeal the Decision were the Appellant, the Respondent and the Attorney-General.
3. Any request for permission to appeal from a party so entitled required to be received by the Tribunal within 28 days of 8 January 2016, that is, by 5 February 2016.
4. No request for permission to appeal was received from a party entitled whether by the said date or at all.

5. On 9 February 2016, the Tribunal received, by e.mail, an application from Abdul Razzaq and Javaid Malik, dated 5 February 2016, to be joined as parties to this concluded appeal. The purpose of this application was that one or both persons could then seek permission to appeal the Decision.
6. The said Mr. Razzaq acted as a McKenzie Friend to the Appellant in the proceedings in respect of which the Decision was made. However, neither he, nor the said Mr. Malik, were parties to those proceedings.
7. Rule 9 of the Rules authorises the Tribunal to add a person to the proceedings as a party who is not a party to proceedings. However, since the Decision disposed of the proceedings, and there has been no application for permission to appeal the decision by a party to the proceedings or by the Attorney-General, the proceedings are no longer extant and are no longer proceedings to which a party can be added.
8. Mr. Razzaq and Mr. Malik also sought to rely upon Rule 19.2 of the Civil Procedure Rules 1998 ('CPR'). They submitted that they were entitled to be added as parties to these proceedings by virtue of another enactment, namely, the CPR, and so could be added to the proceedings pursuant to Rule 9(4) of the Rules. This submission is entirely misconceived. The CPR have no relevance to the issue raised: proceedings before the Tribunal are governed by the Rules specifically governing the Charity Tribunal ('the Rules'). The CPR apply only to civil matters before the Court of Appeal, the High Court and the County Courts: they do not apply to proceedings before the Tribunal. In any event, these proceedings in this appeal are no longer extant.
9. The Appellant lodged his appeal on 23 October 2014. At all times, Mr. Razzaq was intimately involved in the proceedings as a McKenzie Friend to the Appellant. The papers pertaining to the appeal revealed that Mr. Malik too was closely involved in the factual circumstances giving rise to the appeal. The proceedings the subject of the appeal were disposed of by the Decision on 8 January 2016. At all times, it was open to Mr. Razzaq and Mr. Malik to apply to be joined as Appellants. No such application was made by either person while the appeal was still extant.
10. In light of this decision that there is no basis in law to permit the application of the said Mr. Razzaq and Mr. Malik to be joined to these proceedings that were disposed of by the Decision: those proceedings no longer exist and did not exist when Mr. Razzaq and Mr. Malik made their application. Accordingly, it is not necessary to consider the question of permission to appeal the Decision since neither person is a party to the proceedings. It is also not necessary to address the fact that any application for permission to appeal would have been out of time in any event, albeit, it would have been open to the Tribunal to extend time on foot of an application to do so.
11. The Tribunal was satisfied, pursuant to Rule 32(1)(b) of the Rules that it could properly make this decision, that disposes of the issues raised in this matter, without a hearing. In making its decision, the Tribunal had regard to the overriding objective set out in Rule 2.

Dated: 15 February 2016

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

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