



Appeal number: CA/2014/0016

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

MOHAMMED ANIQUE

Appellant

- and -

**THE CHARITY COMMISSION FOR ENGLAND
AND WALES**

Respondent

TRIBUNAL: JUDGE JONATHAN HOLBROOK

Sitting in Chambers on 20 July 2015

DECISION ON APPLICATION FOR PERMISSION TO APPEAL

1. Permission to appeal is refused.
2. The directions given in the Tribunal's Order dated 2 July 2015 shall be set aside and the decisions recorded therein shall be taken again following a case management hearing.
3. The oral case management hearing will be listed in Birmingham, with a time estimate of two hours. The parties are requested to provide the Tribunal with their dates to avoid during August and September 2015 by 5pm on 27 July 2015, following which the Tribunal will notify them of the hearing date and venue.

REASONS

1. On 24 June 2015, the Appellant applied for directions to be given under rules 5(3) and 16(1) of the Tribunal's procedural rules. In particular, he sought orders that the respondent disclose certain documents; that third parties also disclose documents and/or respond to a questionnaire; and that an extension of time be granted for the preparation of witness statements.
2. On 2 July 2015, I made a case management order in which I declined to make those directions and, on 15 July 2015, the Appellant applied for permission to appeal my decision to the Upper Tribunal on the ground that it contained an error of law.
3. Although I am not persuaded that the permission application discloses grounds of appeal which stand a reasonable prospect of success (and for this reason I refuse permission to appeal), I have had regard to the overriding objective of dealing with cases fairly and justly in deciding how best to move matters forward from here. In particular, case management issues need to be disposed of in a way that is proportionate, and which avoids undue delay or expense. I doubt that it would be in the interests of either party for the substantive proceedings to be delayed whilst an appeal on case management issues is pursued (or attempted). I have also had regard to the fact that, because the decisions in question concern the conduct of the proceedings, the Tribunal has a broad discretion under rule 5(2) to revisit them.
4. I appreciate that the Appellant firmly believes that there are additional documents in existence which he needs to see in order to prove his case. Having reconsidered the Appellant's written submissions on the point, however, I am not clear about whether this belief is well-founded or not. I therefore consider that the fair and just way to deal with the matter is for me to set aside the previous directions order and to permit the Appellant to make oral representations at a case management hearing, following which the relevant decisions will be taken again. It would be helpful if, prior to that hearing, the Respondent would contact the charity and Ms Webb to ascertain whether they possess copies of all or any of the documents concerned and, if so, whether they are willing to disclose them to the Appellant.
5. It does not appear to me that the submission of further written representations would necessarily assist at this stage. However, should either party wish to serve such representations, they may do so by no later than seven days before the date of the case management hearing.

SIGNED: J W HOLBROOK

DATED: 20 July 2015

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