



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

Appeal number: CA/2017/0004

DR MO JOHNSON

Appellant

- and -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

**Tribunal: Judge Alison McKenna
Sitting in Chambers on 26 October 2017**

RULING ON STRIKE OUT APPLICATION

Upon the Tribunal receiving an application from the Respondent for a strike out of this appeal dated 16 October 2017

And upon the Tribunal raising a new ground for a possible strike out of its own motion

And upon the Appellant on 17 October being given until 25 October to make representations on the proposed strike out but making no such representations

IT IS DIRECTED that this appeal is now struck out under rules 8 (2) (a), 8 (3) (c) and 8 (3) (b).

REASONS

1. The Respondent applied for a strike out under rules 8 (2) (a) (“no jurisdiction”) and rule 8 (3) (c) (“no reasonable prospect of success”). The appeal is against an Order under s. 52 of the Charities Act 2011, but the grounds of appeal do not address the statutory

criteria for making such an appeal under s. 320 of that Act. The Appellant was given an opportunity to perfect his grounds of appeal, but did not do so despite being given an extension of time. The grounds of appeal also seek remedies which it is not in the power of the Tribunal to give.

2. The Tribunal additionally considered that it may be appropriate to strike out this appeal under rule 8 (3) (b) on the basis that the Appellant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings fairly and justly. This was in view of the Appellant's failure to make his submissions by 9 October 2017 in accordance with the Tribunal's Directions of 8 September 2017. I am satisfied that the Appellant in this case has failed to co-operate with the Tribunal, as required by rule 2, to such an extent that the Tribunal can no longer fulfil its own obligations under the overriding objective. It would not be fair and just to proceed to determine the appeal in these circumstances.
3. Before an appeal can be struck out, the Tribunal must give the Appellant an opportunity to make representations on the proposed strike out pursuant to rule 8 (4). The Appellant, who has the benefit of a lawyer on the record, has not made any representations.
4. In respect of rule 8 (2) (a) I must strike out the appeal as I am satisfied that the Tribunal has no jurisdiction to determine it. In respect of rules 8 (3) (b) and (c), I have discretion to strike out the appeal, which I am satisfied I should exercise as its chances of success are fanciful.
5. In all the circumstances, I have directed that this appeal is now struck out and may not proceed any further.

(Signed)

26 October 2017

Alison McKenna

Principal Judge

© Crown Copyright 2017