



Appeal number: CA/2015/0007

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

MR KEVIN GREGORY

Appellant

- and -

**THE CHARITY COMMISSION FOR ENGLAND
AND WALES**

Respondent

TRIBUNAL: JUDGE JONATHAN HOLBROOK

**RULING ON APPLICATIONS FOR PERMISSION TO APPEAL
AND REVIEW**

The Tribunal's decision dated 2 October 2015 will not be reviewed.

Permission to appeal is refused.

REASONS

1. On 2 October 2015 I ruled that the Appellant in these proceedings, Mr Kevin Gregory, is not entitled to lodge an appeal to the Tribunal in the name of Legal Action ("the Charity") or on its behalf. I made this ruling having concluded that Mr Gregory was prohibited from doing anything in his capacity as a director or trustee of the Charity by virtue of an order of the Charity Commission dated 9 April 2015 appointing interim managers in respect of the Charity ("the Order").

2. My decision on this matter ("the Decision") was sent to the parties on 2 October 2015 and, on 30 October, Mr Gregory applied to the Tribunal for permission to appeal the Decision to the Upper Tribunal (Tax and Chancery Chamber). Section 11 of the Tribunals, Courts and Enforcement Act 2007 provides that such an appeal may be

made on a point of law, but may only be made with permission given either by the First-tier Tribunal or by the Upper Tribunal.

3. The Decision arose out of a notice of appeal challenging the Charity Commission's refusal to remove the Charity from the Register of Charities. The appeal had purportedly been made both in the name of Mr Gregory and in the name of the Charity itself. Mr Gregory's permission application asserts that the decision not to accept the appeal in the Charity's name was wrong in law.

4. Mr Gregory's permission application was supplemented by an application for review of the Decision (which was also received by the Tribunal on 30 October 2015). In this application Mr Gregory argues that the Order is ineffective either to deprive him of the right to instigate and conduct litigation in the name of the Charity, or to prevent him from discharging the functions of a company director. Whilst I have given careful consideration to Mr Gregory's detailed arguments, I am not satisfied that there was an error of law in the Decision. I consider that the legal effect of the Order was correctly summarised at paragraph 5 of the Decision for the reasons stated therein. Rule 44(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 therefore precludes a review of the Decision.

5. It also follows that I am not satisfied that the permission application discloses grounds for appeal which are arguable and have a real prospect of success. I therefore refuse permission to appeal.

6. In accordance with section 11 of the 2007 Act and rule 21 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant may make further application for permission to appeal to the Upper Tribunal (Tax and Chancery Chamber). Such application must be made in writing and received by the Upper Tribunal (Tax and Chancery Chamber) no later than a month after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.

SIGNED: J W HOLBROOK

DATED: 9 November 2015

© CROWN COPYRIGHT 2015