



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref:

CO/1298 /2019

In the matter of an application for Judicial Review

The Queen on the application of (1) HALLAM ESTATES LIMITED and (2)
DORIS STAINER

Claimants

versus

UPPER TRIBUNAL (LANDS CHAMBER)

Defendant

- (1) THE ASSOCIATION OF THE RESIDENTS IN THE GRAND
- (2) DAVID HAMMOND
- (3) MR BISPHAM
- (4) MRS BISPHAM
- (5) MR DAGGETT
- (6) MS BOSTOCK
- (7) R DANCY
- (8) J DANCY
- (9) ALISON MOONEY

Interested Parties

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the application for permission to bring judicial review proceedings and the application for a stay of the determination of the First Tier Tribunal, and consideration of the acknowledgment of service dated 9 July 2019, in which the Upper Tribunal (Lands Chamber) takes a neutral stand, and the submissions made by Peter Cobrin on behalf of the first interested party, the Association of the Residents in the Grand, contained within an application notice dated 19 June 2019 and the submissions made on 3 July 2019 on behalf of the first claimant by Mr Robert Moss both in support of the application made by the claimants and in response to the submissions made on behalf of the first interested party

Order by Her Honour Judge Karen Walden-Smith sitting as a Judge of the High Court

Permission is hereby refused.

Reasons:

1. The Claimants seek to judicially review the decision Martin Rodger QC, Deputy Chamber President of the UT (Lands Chamber) made on 8 January 2019 in which decision he refused permission to appeal against the decision of the First Tier Tribunal (Property Chamber) dated 5 July 2018.
2. The application for a stay of the order made by the FTT (Property Chamber) is dismissed. This attempt to judicially review the Upper Tribunal for refusing to give permission to appeal the decision of the FTT (Property Chamber) is totally without merit and there is no basis for a stay.
3. The jurisdiction to judicially review the UT is limited to second tier appeals criteria (the "CART criteria"). No such grounds are made out in this case. The grounds do

not reveal an important point of principle nor do they reveal some other compelling reason as to why the appeal should be heard.

4. This application for permission to judicially review the decision of the UT (Lands Chamber) purports to be by Hallam Estates Limited and Mrs Doris Stainer. Hallam Estates Limited is apparently making its representations through Mr Robert Graham Moss, as a Director of Hallam Estates Limited although he relies on a witness statement provided by Mr Stainer. Both Mr and Mrs Stainer are undischarged bankrupts and as May J made clear in her order dated 12 February 2019, it is an offence for an undischarged bankrupt to indirectly or directly take part in the promotion, formation or management of a company. Mrs Stainer is limited to challenging the imposition of a penal notice as her trustee in bankruptcy wrote on 16 April 2019 to notify the Administrative Court that he was not pursuing the matter and formally withdrew the application for permission on behalf of the Bankrupt Estate for which he is trustee. Mrs Stainer is therefore no longer a party to this application. Her challenge to the Bankruptcy Order was dismissed by the Court of Appeal in December 2018.
5. Even if Mrs Stainer could contend that she is entitled, within the context of this application for judicial review, to argue that the penal notice ought to be set aside against her, the application for permission to judicially review the UT's decision is refused.
6. The decision of the UT Judge to refuse permission to appeal is plainly a decision that the UT Judge was entitled to make and is not one which can be challenged by Judicial Review. There are no arguable errors of law in the decision of the FTT in making the determination not to allow the appeal, nor in the decision of the UT Judge in refusing permission to appeal from the FTT.
7. Deputy Chamber President Martin Rodger QC clearly considered the FTT decision with great care. The FTT had jurisdiction to make the orders that it did, and given the history of obstruction and frustration of the original management order, the FTT were plainly acting within their powers to make the order that was made.
8. The applications for permission to judicially review the decision of the Deputy Chamber President of the UT (Lands Chamber) and for a stay are both refused.

CPR 54.7A applies to this case. By virtue of CPR 54.7A(8) the decision to refuse permission is final and rule 54.12(3) (request for reconsideration at a hearing) does not apply.

CPR 54.7A applies to this case. By virtue of CPR 54.7A(8) the decision to refuse permission is final and rule 54.12(3) (request for reconsideration at a hearing) does not apply.

Signed

Karen Walsh - FTL

27.9.19

The date of service of this order is calculated from the date in the section below

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):
Solicitors:
Ref No.

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