



Neutral Citation: [2023] UKFTT 806 (GRC)

Case Reference: CA/2022/0012 & 0013

**First-tier Tribunal
(General Regulatory Chamber)
Charities**

Heard by: CVP Video Hearing

Heard on: 6 September 2023

Decision given on: 22 September 2023

Before

**TRIBUNAL JUDGE DAMIEN J. MCMAHON
TRIBUNAL MEMBER MANU DUGGAL
TRIBUNAL MEMBER A'ISHA KHAN**

Between

ASIF JAWAID

and

SAMINA YASMIN JAWAID

Appellants

and

CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

Representation:

For the Appellant Asif Jawaid (Ref. No. CA/2022/0012):

The Appellant appeared in person and was not represented.

For the Appellant Samina Jawid (Ref. No. CA/2022/0013):

The Appellant did not appear and was not represented.

For the Respondent:

Ms. I. Mabrouk, Lawyer and Advocate of the Respondent

Decision:

The appeals, and each of them, are marked ‘Withdrawn’ with the consent of the Tribunal, with no Order as to costs.

REASONS

1. Both Appellants, in writing, on 1 September 2023 (Samina Jawaid – CA/2022/0013) and on 4 September 2023 (Asif Jawaid - CA/2022/0012), respectively, withdrew their respective appeals.
2. This was the second occasion upon which their appeals had been withdrawn by the Appellants, and each of them, the first occasion having occurred on 19 April 2023.
3. Both appeals had been reinstated by the Tribunal on 1 July 2023 pursuant to an application by each Appellant made on 13 May 2023.
4. Rule 17 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2019, as amended (‘the Rules’) provides that a party may give notice of the withdrawal of [their] case, or part thereof, by delivering to the Tribunal a written notice of withdrawal. This was done by each of the Appellants in these appeals listed and linked for hearing together. However, the Rules provide that such withdrawal will not take effect unless the Tribunal consents to the withdrawal.
5. The Tribunal, in view of the somewhat unusual circumstances that arose in these appeals, having regard, in particular, to the previous history, decided to convene the hearing, as planned, to receive any representations from the parties but in respect of the withdrawal applications and the question of costs only. The Tribunal was also conscious that, by proceeding in this fashion, a greater opportunity arose to help the understanding of the Appellants. This proved to be the case (although only one of the Appellants appeared, namely, Asif Jawaid). He was not permitted to make any representations on behalf of the other Appellant, Samina Jawaid, his wife, who did not appear.
6. The Appellant, Asif Jawaid, indicated that, despite having, in writing, served notice of his wish, for the second time, to withdraw his appeal just two days previously, now stated orally that he wished his appeal to continue. The Appellant was advised that this was not permissible but that it was open to him, pursuant to Rule 17 of the Rules, to again apply, in writing, to have his appeal reinstated, stating the grounds of any such application, if the withdrawal request made by him on 4 September 2023, were to take effect with the consent of the Tribunal following today’s hearing.

7. The Appellant, Asif Jawaid, enquired whether the Order made against him, that was the subject of the appeal that he sought to have withdrawn, removed him from the office of trustee only in respect of Birmingham Education Trust ('the Charity'), or, alternatively, in respect of charities generally. He was advised that, firstly, the Order was without limitation of time (subject to his right, in due course to make application to the Respondent pursuant to section 181 of the Charities Act 2011), and, secondly, it was not a Disqualification Order. In a somewhat similar vein, the other Appellant, Samina Jawaid, in her withdrawal notification dated 1 September 2023, asked that the supposed period of her removal from the office of trustee of the Charity be reduced. This was a misunderstanding on her part, of the meaning and impact of the Order of the Respondent against which she had appealed.
8. The Respondent's representative submitted that the Respondent, albeit reluctantly, did not oppose the application of both Appellants to withdraw their respective appeals and, further, had no application for costs in respect of the two appeals.
9. The Tribunal consented to the withdrawal by both Appellants of their appeals and made no order as to costs against either Appellant.

Signed: *Damien McMahon*
Tribunal Judge

Date: 20 September 2023