



Neutral citation number: [2023] UKFTT 1087 (GRC)

Case Reference: QJ/2023/0001

**First-tier Tribunal
General Regulatory Chamber**

Heard: on the papers in Chambers

**Heard on: 14 December 2023
Decision given on: 20 December 2023**

Before

TRIBUNAL JUDGE HAZEL OLIVER

Between

TINA DAWN IRVING

Appellant

and

THE PARLIAMENTARY AND HEALTH SERVICES OMBUDSMAN

THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Potential Respondents (as named by the Appellant)

Decision:

The proceedings are struck out under Rule 8(2)(a) because the Tribunal does not have jurisdiction in relation to these proceedings.

REASONS

1. Under Rule 8(2)(a) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, the Tribunal must strike out the whole or a part of the proceedings if the Tribunal does not have jurisdiction in relation to the proceedings or that part of them. Before doing so, the appellant must be given an

opportunity to make representations in relation to the proposed striking out (rule 8(4)).

Background

2. The Appellant issued a Notice of Appeal on 10 October 2023. The appeal named the Parliamentary and Health Service Ombudsman (“PHSO”). It did not provide a decision notice from the PHSO.
3. The Tribunal wrote to the Appellant on 17 October 2023 explaining that she did not appear to have included with her documents a decision of the PHSO which states there is a right of appeal to the Tribunal against their notice or decision. The Appellant was warned that the Tribunal must strike out the appeal if it does not have jurisdiction. The Appellant was asked, *“Please state the statutory provision (that is the Act of Parliament and relevant section or the Statutory Instrument and relevant regulation/article) on which you rely to say that you have the right to bring proceedings at this Tribunal against the Parliamentary & Health Service Ombudsman”*. The deadline was 31 October 2023.
4. The Appellant provided a document on 23 October 2023 headed “breach of human rights”. This refers to various complaints about different bodies, and complains that the PHSO has ignored these matters. The document does not explain the statutory basis for bringing an appeal to this Tribunal. The Appellant sent an email on the same date which stated, *“...the fact remains that my Human Rights have not been upheld by any of these organisations”*. She sent a further email on 17 November 2023 which states, *“The PHSO did not fully investigate the Northern Ireland Human Rights Commission who still after more than another month refuse to respond to any queries at all”*, refers to legislation on human rights, and says the PHSO has *“breached my right to live in peace under the legislation”*.
5. The issue of strike out was referred to the Registrar. On 20 November 2023, Registrar Arnell made directions which stated it is unclear whether the Tribunal has jurisdiction because the documents provided to date do not appear to include an appealable Decision Notice or Penalty. The Appellant was given until 5 December 2023 to state the legislation on which she relies to say the Tribunal does have jurisdiction.
6. The Registrar’s directions referred to the respondent as “not yet known”. The Appellant has sent emails disagreeing with this. On 20 November 2023 she sent an email which said she believed the respondent should be the Northern Ireland Human Rights Commission (“NIHRC”). I have therefore referred in this decision to both the PHSO and NIHRC as potential respondents named by the Appellant.
7. The Appellant sent further submissions on 1 December 2023. She says, *“The Tribunal has jurisdiction under the Human Rights Act which gives legal protection of my human rights, such as my right to life, or your right to a fair trial. I did not receive a fair trial in Northern Ireland”*.

Strike out decision

8. The Tribunal is a creature of statute. It can do what Parliament gives it power to do, no more or less than that. If the Tribunal does not have jurisdiction it must strike out an appeal.
9. The Tribunal does not have power to hear appeals against decisions of the PHSO and/or NIHRC, the two potential respondents named by the Appellant. The Appellant has not provided a decision notice from either of these bodies which states there is a right of appeal to this Tribunal.
10. The Appellant has been given two opportunities to make representations on why her appeal should not be struck out, in accordance with Rule 8(4). She says that the Tribunal has jurisdiction under the Human Rights Act, and refers to rights to live in peace and to a fair trial.
11. Concerns about infringement of human rights do not give the Appellant a general right to make an appeal to this Tribunal against the decisions of bodies which do not fall within the Tribunal's jurisdiction. This Tribunal is limited by statute to considering appeals against certain types of decision by specific public bodies. The issues raised by the Appellant about the PHSO and the NIHRC do not fall within the Tribunal's statutory jurisdiction.
12. I therefore find that the Tribunal does not have jurisdiction in relation to these proceedings. The proceedings are struck out.

Signed: *Judge Hazel Oliver*

Date: 15 December 2023