



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

Tribunal Reference: EA/2015/0127
Appellant: Anne Shirley Mitchell
Respondent: The Information Commissioner
Judge: Peter Lane

CASE MANAGEMENT NOTE

1. The appellant has requested a judge to reconsider the Registrar's decision of 23 June 2015 not to extend time for filing notice of appeal, with the result that the appellant's notice of appeal is not admitted.
2. I consider it is appropriate in the circumstances to have regard to the judgment of the Court of Appeal in SS (Congo) [2015] EWCA Civ 387, as regards the principles for deciding whether to extend time for appealing, whilst having proper regard to the overriding objective in rule 2 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, of dealing with cases fairly and justly, including in ways that are proportionate to the issues in the case.
3. The delay in the present case is extremely significant, being (at best for the appellant) in the region of 11 months (the appeal period is 28 days). The appellant seeks to excuse the delay by, on the one hand, saying she was ill (no relevant details are given) and, in her email of 2 July 2015, that account should have been taken of "the last trip to the Tropical Disease Hospital" (it is unclear what this means). It is simply not possible in the circumstances to accept that the appellant was so incapacitated from mid 2014 to mid 2015 that she could not have filed the notice of appeal (or asked someone to file on her behalf). I conclude that no good reason has been shown for the significant breach of the rules.
4. I finally evaluate all the circumstances of the case. In so doing, SS (Congo) makes plain that regard is not to be had to the underlying (substantive) grounds of appeal, unless they are very strong or very weak. Here, it is manifest that they are very weak, so far as these proceedings are concerned, because the Tribunal does not have

jurisdiction to accept the appeal. The decision under challenge is not a decision that can be appealed to the First-tier Tribunal for the reasons given by the Registrar.

5. Time is not extended and the notice of appeal is not admitted (rule 25(5)(b)).

Peter Lane

Chamber President

Dated 9 July 2015