



UA-2024-000424-GIA

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER**

Appeal No. UA-2024-000424-GIA

THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

Appellant: Mr Hugh Denis Craddock
Respondent: The Information Commissioner
Tribunal: First-Tier Tribunal (General Regulatory Chamber) (Information Rights)
FTT Case No: EA/2022/0455
FTT NCN: [2024] UKFTT 00009 (GRC)
FTT Hearing Date: 13 September 2023
FTT Decision Date: 8 January 2024

**NOTICE OF DETERMINATION OF APPLICATION FOR PERMISSION TO APPEAL
TO THE COURT OF APPEAL AGAINST A DECISION OF THE UPPER TRIBUNAL**

In the matter of an application by Mr Hugh Craddock for permission to appeal on a point of law against the decision of the Upper Tribunal under file no. UA-2024-000424-GIA and with the NCN *Craddock v Information Commissioner* [2024] UKUT 320 (AAC), dated 7 October 2024.

The Upper Tribunal has considered whether:

- a) the proposed appeal would raise some important point of principle or practice:
or
- b) there is some other compelling reason for the relevant appellate Court to hear the appeal.

Permission to appeal is refused. The appropriate court is the Court of Appeal.

REASONS

1. On 7 October 2024 I dismissed Mr Craddock's appeal to the Upper Tribunal against the decision of the First-tier Tribunal (FTT). The Appellant now applies in-time to the Upper Tribunal for permission to appeal to the Court of Appeal.
2. The right of appeal from the Upper Tribunal to the Court of Appeal lies on a point of law only (Tribunals, Courts and Enforcement Act 2007, section 13(1)). Any such applicant must seek permission to appeal from the Upper Tribunal or from the Court of Appeal (see section

13(4)) and can only apply to the Court of Appeal if permission has first been refused by the Upper Tribunal (section 13(5)). The appeal lies to “the relevant appellate court” (section 13(11) and (12)), which for these purposes is the Court of Appeal of England and Wales.

3. Article 2 of the Appeals from the Upper Tribunal to the Court of Appeal Order (SI 2008/2834) further provides that the Upper Tribunal may not grant permission to appeal to the Court of Appeal unless it:

“considers that –

- (a) the proposed appeal would raise some important point of principle or practice; or
- (b) there is some other compelling reason for the relevant appellate court to hear the appeal.”

4. I am refusing permission to appeal to the Court of Appeal because in my view neither of the conditions (a) and (b) set out in paragraph [3] above is satisfied in this case. The detailed and indeed elegantly drafted grounds of appeal essentially rehearse submissions which were made by the Appellant before the Upper Tribunal but were found wanting for the reasons set out in my decision dated 7 October 2024. In all the circumstances I can see no other compelling reason for the Court of Appeal to hear an appeal in this matter, not least given the findings made by the High Court in *Surrey Searches Ltd and Others v Northumbrian Water Ltd and Others* [2024] EWHC 1643 (Ch). In this context I am also acutely conscious of Singh LJ’s observation that, although the Upper Tribunal “has the power to grant permission to appeal, it may be better to leave that question to [the Court of Appeal], which is very familiar with the type of case that will satisfy the second appeal test” (*MOC v SSWP* [2022] EWCA Civ 1 at [74]). I do not consider that dictum as being confined to discrimination cases such as *MOC*.

5. I therefore refuse permission to appeal to the Court of Appeal.

6. For completeness, there are no grounds for setting aside the Upper Tribunal’s decision for procedural reasons or for reviewing the decision.

Nicholas Wikeley
Judge of the Upper Tribunal

(Approved for issue on) 25 November 2024