



**IN THE FIRST TIER TRIBUNAL
(INFORMATION RIGHTS)**

**RULING on an APPLICATION for PERMISSION to APPEAL
By**

**The Duchy of Cornwall
The Attorney General to HRH the Prince of Wales**

1. This is an application dated 25th November 2011 by The Duchy of Cornwall and The Attorney General to HRH the Prince of Wales ("Application") for permission to appeal the First Tier Tribunal (Information Rights) ("FTT") decision dated 3rd November 2011.
2. The right to appeal against a ruling of the FTT is restricted to those cases which raise a point of law. The FTT accepts that this is a valid application for permission to appeal under rule 42 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 as amended ("the Rules") as it provides arguable points of law.
3. The FTT has considered whether to review its decision under rule 43(1) of the Rules, taking into account the overriding objective in rule 2, and has decided not to review its decision because the grounds of the Application raise important points of law which can be more appropriately dealt with in the Upper Tribunal.
4. In this case the grounds of appeal advanced are clearly set out in the Application and the FTT gives permission for the The Duchy of Cornwall and The Attorney General to HRH the Prince of Wales to appeal to the Administrative Appeals Chamber of the Upper Tribunal on the grounds advanced.
5. Under rule 23(2) the Tribunal Procedure (Upper Tribunal) Rules 2008 as amended The Duchy of Cornwall and The Attorney General to HRH the Prince of Wales has one month from the date this Ruling was sent to them to lodge the appeal with:

**The Upper Tribunal (Administrative Appeals Chamber)
5th Floor Rolls Building,
7 Rolls Buildings, Fetter Lane,
London, EC4A 1NL
Tel: 020 7071 5662
Fax: 020 7071 5663
DX: DX160042 STRAND 4**

Email: adminappeals@hmcts.gsi.gov.uk
Website: www.justice.gov.uk

6. The Duchy of Cornwall and The Attorney General to HRH the Prince of Wales have applied for a stay of the FTT's order contained in the Substituted Decision Notice and the FTT's finding that the Duchy of Cornwall is a public authority under the Environmental Information Regulations 2004 (EIR). Evidence was provided as to the expense and effort which would be involved in order to prepare the Duchy of Cornwall to be able to record and deal with requests under EIR. Clearly if the appeal is successful then this cost would have been unnecessary.
7. I have considered the application and have decided on its merits to grant the stay pending the final determination of the matter on appeal.

John Angel
Principal Judge
First-tier Tribunal (Information Rights)

Dated this 6th day of December 2011