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community law
partnership**

SOLICITORS
HOUSING LAW SPECIALISTS

Our ref:

Your ref:

When telephoning please ask for:

MCM/MPC/Clarke

• Mike McIlvaney

DX POST

His Honour Judge McKenna
Birmingham County Court
DX 701987
Birmingham 4

4TH FLOOR
RUSKIN CHAMBERS
191 CORPORATION STREET
BIRMINGHAM B4 6RP

DX23525
BIRMINGHAM 3

Telephone: 0121 685 8595

Fax: 0121 236 5121

Email: office@communitylawpartnership.co.uk

Chris Johnson
Rosaleen Kilbane
Mike McIlvaney

Community
Legal Service



29 June, 2007

Dear Sir/Madam

Re: 20/20 Housing Co-operative Limited -v- Robin Clarke
Appeal Ref: BM7 0094A – Oral Application for Permission to Appeal

We have been consulted by Mr Robin Clarke in relation to the above application which we understand was dismissed by His Honour Judge McKenna on 12 June 2007.

We are instructed that in dismissing the application, His Honour Judge McKenna indicated to the Defendant that he could appeal further to the Court of Appeal within 21 days. Practice Direction 8 to Part 52, however, states at paragraph 4.8 "There is no appeal from a decision of the Appeal Court to allow or refuse permission to appeal to that Court". The only circumstances in which he can appeal to the Court of Appeal are those set out in Part 52.14, where the Court... from which permission to appeal is sought considers that an important point of principle or practice would be raised, or that there is some other compelling reason for the Court of Appeal to hear it.

If the decision of His Honour Judge McKenna to refuse permission to appeal was influenced by his belief that Mr Clarke had a further right of appeal to the Court of Appeal, we would invite him to rescind his decision to refuse permission to appeal and re-list the case for hearing.

From the instructions that we have received, it appears that there may be some merit in Mr Clarke's appeal on grounds that he has not previously raised.

We would be grateful if this letter could be placed before His Honour Judge McKenna.

Yours faithfully

The Community Law Partnership