



**FIRST-TIER TRIBUNAL (CHARITY)
GENERAL REGULATORY CHAMBER**

Appeal No: CA/2015/0003

THE STEADFAST TRUST

Appellant

- and -

**THE CHARITY COMMISSION
FOR ENGLAND AND WALES**

Respondent

RULING ON APPLICATION FOR A STAY OF PROCEEDINGS

TRIBUNAL: JUDGE ALISON MCKENNA

Sitting in Chambers on 27 May 2016

The Appellant's application for a stay of proceedings is refused.

REASONS

1. On 23 May, the Appellant applied for "*a stay of 1 month for the purposes of agreeing a consent order for the withdrawal of the appeal as a part of any application subsequently made by the appellant to do so*".
2. The Respondent opposes the application for a stay.
3. My Directions of 25 May set a timetable to bring about a hearing of this appeal between mid-November and the end of this year. There are a number of procedural steps to be taken in the meantime, and the first date for the Appellant to meet is 7 July. I am satisfied that

there is plenty of time before the hearing for the Appellant to consider withdrawal of the appeal without the need for proceedings to be stayed.

4. The withdrawal of an appeal takes place under the provisions of rule 17 of the Tribunal's Rules. It is a way of bringing the proceedings to an end without a hearing. The request to withdraw must be communicated to the Tribunal in writing and the Tribunal must consent to it, but there is no provision in the Rules to include any wording about the reasons for the withdrawal. The Respondent's consent is not required for an appeal to be withdrawn.
5. A Consent Order takes place under rule 37 of the Tribunal's Rules. It is another way of bringing the proceedings to an end without a hearing. The parties must agree the terms of the Consent Order and ask the Tribunal to make it in those terms. However, it is not necessary to enter into a Consent Order in order to withdraw an appeal because the Appellant may withdraw it unilaterally under rule 17. The Tribunal must consent to a Consent Order but it need not include in any Consent Order the parties' reasons for seeking it.
6. It follows that there is little point in the parties continuing to dispute the appropriate wording for inclusion in any application for withdrawal or for a Consent Order because the Tribunal is under no obligation to include any wording over and above that required by the Rules. It would not be in accordance with the overriding objective for the Tribunal to stay the proceedings to allow the parties more time to discuss their preferred wording. In the circumstances the application for a stay is refused and the parties remain under an obligation to comply with my earlier Directions. The Appellant may make an application to withdraw the appeal, or the parties may jointly apply for a Consent Order to bring the proceedings to an end at any time prior to the hearing.

PRINCIPAL JUDGE

27 May 2016

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