



Appeal number: CRR/2014/0004

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

**AUGUSTINE HOUSING TRUST**

**Appellant**

**- and -**

**THE CHARITY COMMISSION  
FOR ENGLAND AND WALES**

**Respondents**

**TRIBUNAL: JUDGE ALISON MCKENNA**

**Sitting in Chambers on 22 September 2014**

Upon the Appellant requesting a stay of proceedings pending appointment of a legal representative

And Upon the Respondent objecting to a stay of proceedings

**IT IS DIRECTED** that

- (1) The Appellant's application is refused;
- (2) This matter is to be determined at a paper hearing on 6 October 2014;
- (3) The parties have permission to apply to vary these directions or for further directions.

**REASONS**

1. The Appellant has applied to the Bar Pro Bono Unit for assistance in this matter. The Appellant is awaiting a decision from the Bar Pro Bono Unit as to whether such assistance will be offered. If and when a barrister is appointed to prepare the Appellant's written submissions, that person will need to notify

the Tribunal that they have been appointed as a representative for the purposes of rule 11 of the Tribunal Procedure Rules. Once a representative is on the record, that person may wish to apply for the Tribunal hearing listed for 6 October 2014 to be postponed, and if so any such application will be considered on its merits. However, I do not consider that it would be fair and just to stay the proceedings now, on the basis merely that an application for legal assistance has been made, without any certainty yet as to the outcome of that application.

2. I note once again that Ms Casey appears to be quite capable of progressing these proceedings by herself in the absence of a legal representative. She has clearly considered her application carefully, quoting from legal authority and referring me to the Tribunal's rules. I consider that she should continue to prepare the Appellant's case for the Tribunal hearing whilst awaiting the outcome of the application for assistance it has made.
3. The Charity Commission has complied with the Tribunal's directions and has prepared a hearing bundle for the paper hearing which is listed for 6 October. The overriding objective requires me to have regard to the need to avoid delay and accordingly, unless the Appellant's situation changes, I take the view that the hearing on 6 October should go ahead.
4. The Appellant has additionally requested time to engage in ADR with the Charity Commission. The Charity Commission has indicated that it now wishes to progress to a hearing of the Appellant's appeal and does not wish to engage in ADR. It takes the view that the Appellant has not co-operated with the Tribunal as required by rule 2. I make no finding on that allegation at this stage, although I remind the Appellant that it has a duty to co-operate with the Tribunal in this final period before the hearing date.
- 5.

**Alison McKenna**  
**PRINCIPAL JUDGE**  
**22 September 2014**

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