



Appeal number: CA/2015/0007

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

MR KEVIN GREGORY

Appellant

- and -

**THE CHARITY COMMISSION FOR ENGLAND
AND WALES**

Respondent

TRIBUNAL: JUDGE JONATHAN HOLBROOK

Sitting in Chambers on 23 May 2016

Upon considering written representations made by the parties

IT IS DIRECTED as follows:

1. The proceedings are stayed until further order.
2. Compliance with the Tribunal's directions dated 7 March 2016 is accordingly suspended.
3. Either party may apply for the stay to be lifted at any time, explaining the reasons why this should be ordered.
4. The Respondent must keep the Tribunal (and the Appellant) informed of relevant developments in the ongoing proceedings before the High Court for the winding up of Legal Action. In any event, the Respondent must provide an update by no later than 30 June 2016.

REASONS

1. On 4 May 2016 the Respondent applied to the Tribunal for an indefinite stay of proceedings in this matter. It explained that the interim managers of Legal Action (“the Charity”) had filed a petition for the winding up of the Charity in the High Court. The Respondent stated that, if the winding up petition is successful, the likelihood is that the Respondent will remove the Charity from the Register of Charities on the basis that it has ceased to exist. The Respondent contended that, in this eventuality, the need for the present appeal would fall away, and that it is thus appropriate for the Tribunal proceedings to be stayed pending the outcome of the winding up petition.

2. The Appellant has made representations in opposition to a stay being granted. These representations focus on the financial position of the Charity and on the insolvency proceedings themselves. It seems to me that these matters are not relevant to the question whether a stay should be granted in the proceedings before this Tribunal. What is relevant to that question is a consideration of whether the outcome of the winding up petition may be such as to make the continuation of these proceedings unnecessary. If there is a real possibility of that, then it is appropriate to grant a stay in order to avoid wasting costs and resources.

3. I note that, in his original notice of appeal, the Appellant stated that the outcome he is seeking from the appeal is an order for the de-registration of the Charity. It seems to me that, in the event of the Charity being de-registered by other means before the appeal is determined, the need for a determination would indeed fall away: the reason being, put simply, that the Appellant would already have his remedy.

4. It is unnecessary (and would be inappropriate) for me to form any view as to the prospects of the winding up petition succeeding. It is sufficient to note that the petition has been lodged and that it is listed for a hearing in the High Court on 9 June. The Appellant appears to suggest that the appeal before the Tribunal should be decided first. However, it is clear that the winding up petition will in reality be heard before this appeal – that would be the case even if the Tribunal’s current directions timetable was strictly adhered to.

5. Nor do I agree that my decision on the present application for a stay should be influenced by the fact that the Upper Tribunal has refused the Appellant’s request to stay his ongoing permission application to appeal a previous case management order. The contexts in which the applications to stay the different sets of proceedings have been made are quite different.

6. Given the real possibility that the winding up petition will lead to the de-registration of the Charity, I consider it appropriate for the appeal to be stayed pending the outcome of the proceedings in the High Court.

SIGNED: J W HOLBROOK

DATED: 23 May 2016

© CROWN COPYRIGHT 2016