



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

Appeal number: CA/2017/0007

TOBIAS YEATS

Appellant

- and -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

**Tribunal: Judge Alison McKenna
Sitting in Chambers on 19 January 2018**

PROPOSED STRIKE OUT

Upon the Tribunal issuing Directions dated 26 October 2017

And Upon the Appellant failing to comply with paragraph 6 by 22 December 2017

And Upon the Appellant failing to comply with paragraph 8 by 17 January 2018

And upon the Appellant being uncontactable by telephone

Of the Tribunal's own motion

IT IS DIRECTED THAT:

- 1. The Appellant is by 5pm on 2 February 2018 to make representations to the Tribunal as to why his appeal should not be struck out.**

REASONS

1. The Tribunal considers that it may be appropriate to strike out this appeal under rule 8 (3) (b) on the basis that the Appellant has failed to co-operate with the Tribunal to such an extent that the Tribunal cannot deal with the proceedings fairly and justly. This was in view of the Appellant's failure to comply with two successive deadlines in the Case Management Directions issued on 26 October 2017. The Tribunal has attempted to contact the Appellant on the phone number it has for him, without success.
2. I am concerned that the Appellant in this case has failed to co-operate with the Tribunal, as required by rule 2, to such an extent that the Tribunal can no longer fulfil its own obligations under the overriding objective. It would not be fair and just to proceed to determine the appeal in these circumstances.
3. Before an appeal can be struck out, the Tribunal must give the Appellant an opportunity to make representations on the proposed strike out pursuant to rule 8 (4). I have given the Appellant two weeks to make such representations. If there is a good explanation for his failure to comply with the Directions, I will be able to make further Directions to bring this matter to a hearing. If the Appellant does not reply, I will strike out the appeal.

(Signed)

19 January 2018

Alison McKenna

Principal Judge

© Crown Copyright 2018