



**In the First-tier Tribunal
(General Regulatory Chamber)
Electronic Communications**

Before: **District Judge Moan**

Appellant: **Skean Homes Limited**

Respondent: **Information Commissioner**

Order

It is RECORDED that:

1. On 7th June 2024 the Appellant was ordered to confirm that they have instructed new legal representation and confirm that there are no outstanding issues by 20 June 2024. They neither responded nor requested a postponement.
2. The Respondent wrote to the Tribunal on 21st June 2024 noting that the Appellant had not complied with the Directions of 7th June and also that the Appellant had yet to serve any evidence in support of the appeal. The respondent stated:

“The Respondent is ready to proceed however in the absence of any evidence from the Appellant proceeding to a full hearing would not appear to be an appropriate use of the Tribunal's time or resources.”
3. The appeal hearing listed for 4th July 2024 was postponed due to the Appellant not complying with directions and failing to confirm that they has instructed new representatives.
4. The Appellant has failed to notify the Court by 16th July 2024 that they wished to pursue the appeal in accordance with the order dated 2nd July 2024
5. The Appellant has been warned that the Tribunal was considering striking out the appeal under rule 8(3)(a) or 8(3)(b) on the grounds that:
 - (i) The Appellant has failed to comply with paragraphs 4 and 5 of the Tribunal's Order dated 7th June 2024 and paragraph 7 of that Order stated that failure by the Appellant to comply with the Order may result in the striking out of the appeal, or

- (ii) 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.
6. In addition the Appellant has not complied with the Order that if the Appellant wished to make representations as to why the proceedings should not be struck out, those must be sent to the Tribunal by no later than 16th July 2024.
 7. Once an appeal is disposed of, any suspension of the enforcement of the penalties is lifted.

It is ORDERED that:

8. Due to the Appellant's failure to comply with the Orders dated 7th June 2024 and 2nd July 2024 – the appeal is struck out under Rules 8(3)(a) failure to comply with directions and Rule 8(3)(b) failure to comply to an extent where the Tribunal cannot deal with the appeal justly.
9. Any application by the Appellant to re-instate the appeal must
 - (i) be made within 14 days of receipt of this Order; a
 - (ii) on the GRC 5 application form; and
 - (iii) complying in full with the directions made in the orders dated 7th June 2024 and 2nd July 2024; and
 - (iv) include all evidence upon which the Appellant seeks to rely at any appeal hearing in accordance with previous directions given; and
 - (v) and include a statement as to why the Appellant has failed to previously comply with the Order of the Court noting that the appeal was lodged on 8th February 2024 against a decision made on 11th January 2024.
10. This order has been made without a hearing.

District Judge Moan sitting as a First Tier Tribunal Judge

Date: 17th October 2024