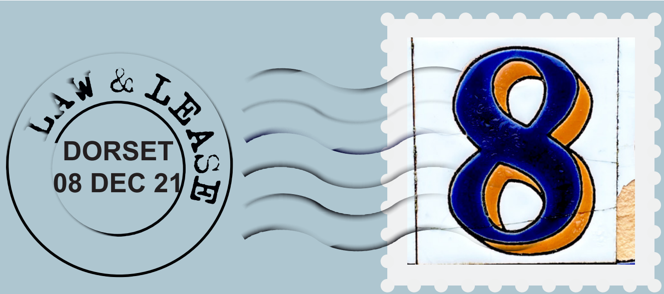
2021 has been the year of the Tribunal-appointed manager, but not necessarily in a good way.



In *Suchorski v Norton* [2021] UKUT 166 (LC), Mr Norton, a Tribunal-appointed manager, was replaced.

The FTT directed him to file an account of the money that he had handled during his management.

Mr Norton failed to attend two further FTT hearings, despite directions that he must. He also failed to provide an account. The matter was transferred to the Upper Tribunal, where Martin Rodger QC explained the ground on which the transfer was made:

> "[3] The failure of a tribunal appointed manager to comply with the tribunal's directions is a serious matter…
>
> "[17] Rule 8(5) of the FTT Rules entitles the FTT to refer to the Upper Tribunal any failure by a person to comply with requirements imposed by the FTT to produce a document or to attend for the purpose of giving evidence. The FTT has no enforcement powers of its own, and the purpose of a reference is to ask the Upper Tribunal to exercise its powers under section 25 of the Tribunals, Courts and Enforcement Act 2007."

The hearing in the Upper Tribunal was adjourned twice on Mr Norton's application, but he did not attend on the third occasion. I think that is fair to say that Martin Rodger QC was not impressed:

> "The minimum appropriate response by the Tribunal in the circumstances of this case is to require Mr Norton personally to repay all monies received by him between 1 November 2017 and 29 August 2019 in his capacity as tribunal-appointed manager… Mr Norton assumed the responsibilities of a trustee when he accepted the FTT's appointment. As a trustee he is under an obligation to account for all money he received. A trustee who fails to account for money entrusted to him is presumed still to hold it subject to the trust. I explained to Mr Norton at both of the hearings he attended that that would be the consequence of a continuing failure on his part to account for the funds handed over to him."