



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Markwick

**Respondent:** J D McDougall Limited

**JUDGMENT** having been sent to the parties on 13 December 2019 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013.

## REASONS

1. The Respondent made a successful application for costs following the Tribunal's dismissal of the claimant's complaints (in a judgment sent to the parties on 4 September 2018) of sex discrimination, sex harassment, (sex) victimisation, unfair dismissal, unlawful deduction of wages and failure to pay holiday pay.

2. At a hearing on 18 January 2019, the claimant's application for reconsideration of the judgment was dismissed and the claimant was ordered to pay the whole amount of the respondent's cost of defending these proceedings:

'...The exact amount that she is to pay will be determined by way of detailed assessment, to be carried out by an employment Judge in accordance with the civil procedure rules 1998. The respondent was ordered to send the tribunal a detailed bill for this assessment within 28 days of the date of this order. The order was sent to the parties on 19 March 2019.'

3. The claimant made an application for reconsideration of the costs order. That application was dismissed in a judgment sent to the parties on 28 May 2019.

4. The respondent sent to the tribunal and the claimant a Detailed Bill of Costs to be assessed by the Tribunal on the standard basis, if not agreed, and payable by the claimant pursuant to paragraph 75 of the judgment dated 19 March 2019 to the tribunal on 25 April 2019.

5. The Tribunal wrote to the claimant in a letter dated 27 June 2019, that was copy to the respondent:

### ‘Commencing Detailed Assessment

Following an order dated 19 March 2019 (copy attached) the Respondent has prepared a Bill of Costs for assessment by a tribunal judge. Please see attached. The Bill totals £103,486.07. A tribunal judge will contact a detailed assessment and at the end of the assessment will decide exactly how much of the respondent’s cost you have to pay and will issue a costs order in favour of the respondent in that amount.

If you decide to make an offer to settle the Bill and your offer is accepted by the respondent, you must notify the tribunal straight away.

If you wish to dispute any part of this bill will you please inform the tribunal of your objections in writing. (You may find it helpful to seek advice from a citizen’s advice bureau about this before replying.)

Your points of dispute must include

- (1) details of the items in the bill of costs which are disputed
- (2) brief details of the nature and grounds of the dispute for each item and, if you seek a reduction
- (3) where you dispute any item, you can suggest, where practicable, an alternative reduced figure.

You must provide your points of dispute to the tribunal and copy them to the respondent at the same time, **by 26 July 2019**. If you need more time, please apply to the tribunal before the time granted expires.

After the tribunal has received your points of dispute a judge may have some questions to ask the respondent or it might want to ask the respondent to produce some documents in support of a particular item on the Bill of Costs.

The respondent is given permission to comment on your points of dispute 21 days after they receive them. Any replied to your points of dispute will be sent to you and the Tribunal. You will not be required to answer them.

If you want the opportunity to have your points of dispute considered at a costs hearing please inform the tribunal office by **4.00pm on 25 October 2019**. Any application for a costs hearing will only be considered after your points of dispute have been received in full.

When the tribunal has received all of the points of dispute, any replies and additional information requested, a judge will decide how much of the bill will be allowed and will inform the parties. This may be done with or without a costs hearing.’

6. By 26 July 2019, the claimant had not served points of dispute in accordance with the order dated 27 June. On 31 July 2019 the respondent made an application for an order directing that the respondent’s bill of costs is assessed in full in the absence of any disputes from the claimant and if possible for the tribunal to issue a default costs certificate in line with CPR 47.9 (f4) and CPR 47.11.

7. A letter was sent to both parties dated 21 September 2019:

**'To the respondent**

Thank you for your email dated 31 July 2019.

The tribunal notes that the claimant has not served any points disputing the bill of costs by 26 July 2019.

However, the claimant (a litigant in person) was notified that if she wanted the opportunity to have any points of dispute considered at a costs hearing to inform the tribunal office by 4.00pm on 25 October 2019. This allows the claimant time to make a late application disputing the bill and requesting a costs hearing.

**To the claimant**

"You are referred to the letter from the Tribunal sent to you on the 27 June 2019.

Since you have not raised any points of dispute on the respondent's bill of costs, the respondent has made an application to the Tribunal for an order that you pay the full amount claimed.

If you want to make an application disputing the bill of costs and/or want to request a cost hearing at which the amount of costs to be awarded can be considered, please do so in writing, now.

The case file will be reviewed on or after 25 October 2019 and the respondent's application will be considered after that date.'

8. The claimant did not respond to this letter. In a letter dated 4 November 2020 the respondent renewed its request for an order for payment of costs in the full amount claimant.
9. The claimant did not respond to the respondent's letter.
10. Upon the claimant not disputing the bill of costs served on her by the respondent and upon the claimant "costs by 25 October 2019 an order for costs in the full amount was made and sent to the parties on 19 December 2019.

Regional Employment Judge Taylor  
Date: 17 July 2020