



EMPLOYMENT TRIBUNALS

Claimant

Mr T Hancox

v

Respondent

National Farmers Union & Others

Ms Minette Batters

Mr Sarb Heer

ORDER FOR POSTPONEMENT WITH WASTED COSTS AT OPEN PRELIMINARY HEARING BY CVP

Heard at: Birmingham (By CVP)

On: 22 April 2021

Before: Employment Judge Lloyd

Appearances

For the Claimant: Did not attend

For the Respondents: Ms J Shepherd, Counsel

ORDER

- 1) Upon Hearing Counsel for the Respondents, and upon reading the claimant's email of Wednesday 21 April 2021 addressed to the tribunal and timed at 23.30, I order that the open preliminary hearing in cases number 1300129/2021 and 1300232/2021 (Ms M Batters and Mr S Heer) listed for today, Thursday 22 April 2021, **shall be adjourned to Friday 7 May 2021** commencing at 10.00am and listed for 1 day, by CVP. The hearing shall be before an Employment Judge sitting alone.
- 2) The claimant is ordered to pay forthwith the respondents' wasted costs of today limited to the sum of £3,000.00 being Counsel's brief fee.

UNLESS ORDER

- 3) The Tribunal also makes an unless order in respect of the Claimant's attendance at that hearing: in the event that the Claimant fails to attend the adjourned hearing, those claims will be struck out without further consideration by the Tribunal.

REASONS

1. The Claimant failed to attend the Preliminary Hearing at 10am on 22 April 2021, having sent an email to the Tribunal at 23.30 on 21 April 2021 explaining the reasons for his non-attendance. Efforts were made on the morning of the hearing by the Tribunal clerk to contact the Claimant by telephone on the number provided by the Claimant, but there was no response.
2. As a consequence of the Claimant's non-attendance, the hearing could not proceed today, and the Tribunal has therefore adjourned the hearing to **7 May 2021 at 10am** for an open Preliminary Hearing. That adjourned hearing will consider the Respondents' applications to strike out claims *1300129/2021 – Mr T Hancox v Minette Batters and 1300232/2021 – Mr T Hancox v Sarb Heer* that are set out in the Respondent's letters dated 18 March 2021 and in the Grounds of Resistance to those claims. The adjourned hearing will also deal with any case management issues arising in relation to those claims should they proceed.
3. The Respondents made an application for the costs thrown away by the Claimant's failure to attend the hearing today. In considering that application, the Tribunal has taken account of the Claimant's correspondence of 21 April 2021. The Tribunal notes that it was sent at 23.30 prior to the day of the hearing and that it does not disclose reasonable grounds for failing to attend. No medical evidence was provided to support any assertion that the Claimant is not fit to attend a hearing. The Claimant has also been able to send the Tribunal significant amounts of correspondence in recent days. The Tribunal is therefore not satisfied that the Claimant had reasonable grounds for failing to attend the hearing, having given short notice of his non-attendance. The Claimant's failure to attend the hearing amounts to unreasonable conduct of the proceedings and the hearing has had to be adjourned less than 7 days before the date on which the hearing began (see r.76 ETs (Constitution & Rules of Procedure) Regs 2013, Sch 1). The Tribunal therefore orders the Claimant to pay the Respondent's costs of today in the sum of £3,000, representing Counsel's brief fee for today's hearing.
4. The Tribunal has grounds to make an unless order in the terms set out at 3) above.

Signed electronically by Employment Judge B Lloyd

Signed and Dated: 22 April 2021

Case Number: 1304294/2020

& others

1300129/2021

1300232/2021