



# EMPLOYMENT TRIBUNALS

## Claimant

Mr C O Christian

## Respondent

CLC Realisation Limited -  
adminsitration

v

## JUDGMENT

### Employment Tribunal Rules of Procedure – Rule 76 and Rule 80

Having considered the written submissions provided by the parties' representatives, Employment Judge Johnson has decided the following:

1. the claimant's application for an order for costs against the respondent, originally made orally at the remedy hearing on 28 May 2021 and submitted in writing on 2 June 2021 is unsuccessful as it had no reasonable prospects of success in accordance with Rule 76(1)(b). This means that no costs order will be made and the application is dismissed.

## REASONS

1. The relevant part of Rule 76 of the Employment Tribunals Rules of Procedure 2013 provides that:  
  
*'76-(1) A Tribunal may make a costs order or a preparation time order, and shall consider whether to do so, where it considers that –*  
*(a) A party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted; or,*  
*(b) Any claim or response had no reasonable prospects of success;....'*
2. An award of costs is not something that is routinely imposed in Employment Tribunal proceedings and the discretion afforded to an Employment Judge is subject to the application of Rules 76, being focused upon behaviour of parties and representatives in the proceedings that falls below the standard that one would reasonably expect in litigation of this nature. Parties are of course subject to the duty under Rule 2 of the Tribunals Rules of Procedure and are expected to cooperate so as to

further the overriding objective and assist the Tribunal in ensuring that cases are dealt with in the interests of justice.

3. This was a case where the respondent company unfortunately entered administration and the administrators had a duty to protect the creditors to the company by requiring the claimant to prove his case in the Tribunal. Although I appreciate it was frustrating for the claimant to have to prove his case at the liability and remedy hearings, I do not believe that the respondent or their representatives behaved in an unreasonable, disruptive, abusive or vexatious way. Their case was primarily based upon one of objection, but there was no attempt to pursue unnecessary arguments or lines of defence which were doomed to fail.
4. For these reasons, the claimant's application for costs is unsuccessful and is dismissed.

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Employment Judge Johnson

Date: ...21 September 2021.....

Sent to the parties on: 15/10/2021

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For the Tribunal Office