



EMPLOYMENT TRIBUNALS

Claimant: Ms N Hanis
Respondent: Promo Concepts Ltd

JUDGMENT

The respondent's application dated 21.1.21 for reconsideration of the costs judgment sent to the parties on 10.12.21 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because: -

Ground 1

1. The Claimant failed to provide particulars as to her solicitors' costs and the respondent in effect did not get an opportunity to comment on these.
2. The claimant provided further information on 17.8.21 which the respondent received and applied for an extension of time to reply, which was granted.
3. The respondent provided no submissions as to what proportion of the claimant's costs were or should have been attributed to each complaint.

Ground 2

4. The tribunal had no power to make costs a costs order in favour of the claimant when a third party had paid. The respondent's submissions were unclear but appear to contend that the indemnity principle prevents a party recovering costs in this situation.
5. There was no challenge to the claimant's express contention that she was liable to her solicitor for costs. There was no suggestion of a contract between the claimant's solicitors and the third party. The fact

that a third party pays a party's legal costs does not affect the operation of the indemnity principle.

Ground 3

6. The tribunal wrongly stated that the respondent accepted the reasonableness of the claimant's costs.
7. The respondent made no challenge to the amount of costs incurred by the claimant, only that they were disproportionate.

Ground 4

8. That the claimant's counsel's fees would not have been less if the respondent had conceded the commission claim.
9. The tribunal in its judgment considered the amount of time likely to be attributable to the commission claim and gave reasons.

Employment Judge Nash

Date 17 January 2021