



EMPLOYMENT TRIBUNALS

Claimant: Mr M Cummings

Respondent: Royal Borough of Greenwich

PREPARATION TIME ORDER JUDGMENT

The Tribunal having considered written representations of the parties and without a hearing,

It is the judgment of the Tribunal that:

The Claimant's application dated 2 May 2022 for a Preparation Time Order is refused.

REASONS

1. Judgment on liability and remedy was sent to the parties on 5 April 2022. By email dated 2 May 2022 the Claimant wrote to the Tribunal and the Respondent saying "Please find below details of my costs payable to the same bank account as before". He then set out a list of dates between 14 March 2022 and 24 March 2022 with numbers of hours against each date. He calculated the total hours as 139 and wrote "139 X 41 = £5,699".
2. This was treated by the Tribunal as an application for a Preparation Time Order and the Tribunal wrote to both parties on 25 May 2022 as follows:

"The claimant's email of 2 May 2022 is treated as an application for a Preparation Time Order. The claimant must write to the Tribunal (with a copy to the respondent) within 14 days of the date of this letter with the following information:

- The basis for the application by reference to Rule 76 of the Employment Tribunals Rules of Procedure
- Any written submissions he wishes to make

- Whether he agrees to the application being determined without a hearing

The claimant should also note that Rule 75(2) provides that a “preparation time” means time spent by party (while not legally represented) working on the case, except for time spent at any final hearing.

The respondent must provide a written response to the application, also indicating whether it agrees to the application being determined without a hearing, within 28 days of the date of this letter.”

3. The Claimant did not provide the information requested by the date given in the letter or at all. The Respondent objected to the application by email dated 21 June 2022. It noted the Claimant’s failure to provide the information requested and argued that the Claimant had failed to justify/demonstrate his entitlement to the sums claimed. It also noted that the Claimant’s former solicitors did not cease acting for him until 18 March 2022 and the hearing commenced on 22 March 2022.
4. The Claimant has not identified the basis on which the application is made, has failed to comply with the Tribunal’s directions and has not actively pursued his application for a Preparation Time Order. Further, his original application appears to have included time spent on the case while legally represented and time spent attending the hearing, neither of which can be counted as part of a Preparation Time Order.
5. The application is therefore refused.

Employment Judge Ferguson

Date: 19 October 2022