



EMPLOYMENT TRIBUNALS

Claimant: Miss A De Carvalho
Respondent: Primark Stores Limited

AT A PRELIMINARY HEARING

Heard at: Leeds by Cloud Video Platform (CVP) **On:** 17th April 2023
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondent: Mr K Sonake, counsel

JUDGMENT

The Claimant is ordered, under rule 76 (2) of the Employment Tribunals Constitution and Rules of Procedure Regulations 2013 to pay a contribution of £50.00 towards the Respondent's costs of today's hearing.

REASONS

It has, unfortunately, not been possible to deal with this case, as had been intended it should be, in the manner set out by Employment Judge Elliott on the last occasion.

The reason for that is because the Claimant has not paid any sufficient regard to the clear written directions given by Judge Elliot, and which were made with the purpose of ensuring the matter could progress. Instead there will now have to be a further preliminary hearing listed in order to address the issues that should have been determined today. The Respondent who is, as would be expected, legally represented, has therefore been put to significant extra expense.

In these circumstances, notwithstanding the fact that she appears genuinely but wrongly to think that she has done what was asked of her, I find that the Claimant is culpably in breach of Judge Elliott's orders, so that the conditions for exercising my discretion to award costs under rule 76 (2) are fully satisfied.

I do, however, have regard to her ability to pay so that I do not award the Respondent's legal costs in the claimed sum of £3000.00 plus VAT, which is even then said to be only a part of the actual sum incurred, but only £50.00

Case: 1804850/2022

EMPLOYMENT JUDGE LANCASTER

DATE 18th April 2023

JUDGMENT SENT TO THE PARTIES ON

27th April 2023

AND ENTERED IN THE REGISTER

27th April 2023

FOR SECRETARY OF THE TRIBUNALS

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