



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Robson  
**Respondent:** British Airways Pension Services Limited

## JUDGMENT

The claimant's application for wasted costs under rule 78 is dismissed.

## REASONS

1. On 26 July 2025 the claimant made an application for a Preparation Time Order. That was made within the time limit set out in rule 75(1).
2. This was presented as an application for a Preparation Time Order, and the "Schedule of Preparation Time" attached to it makes it clear that it is intended as an application in respect of preparation time as defined in rule 72.
3. The claimant invited the tribunal to consider the application on the papers.
4. At paragraph 2 & 3 the claimant invoked the tribunal's jurisdiction under rule 78, which applies in respect of "wasted costs".
5. Having regard to the definitions at rules 2(1), 72 and 78(5), I have decided that a wasted costs order can only apply in respect of "costs" or "wasted costs" as defined, and not preparation time. Accordingly to the extent the claimant intended his application to be an application under rule 78 it is not within the jurisdiction of the tribunal and is dismissed.
6. Consideration will be given at the forthcoming preliminary hearing to the appropriate way of addressing the claimant's application for a preparation time order, and whether this requires consideration by the full tribunal or the employment judge alone under the Presidential Guidance on Panel composition.

Approved by Employment Judge Anstis  
6 August 2025

Judgment sent to the parties on:

12 August 2025  
For the Tribunal:

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