



EMPLOYMENT TRIBUNALS

Claimant: Mr F Van Staden

Respondent: Luftavia Limited

JUDGMENT

The claimant's application dated 30 October 2025 for reconsideration of the judgment sent to the parties on 29 October 2025 is refused.

REASONS

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

1. In a judgment dated 28 October 2025 and sent to the parties on 29 October 2025 the tribunal refused the claimant's request for a costs order.
2. On 30 October 2025 the claimant made an application for reconsideration of the judgment. The application was copied to the respondent. I considered the application under rules 68 to 70 of the Employment Tribunal Rules of Procedure 2024.

The rules on reconsideration

3. Rules 68-70 of the Employment Tribunal Procedure Rules 2024 provide as follows:

68. Principles

- (1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.
- (2) A judgment under reconsideration may be confirmed, varied or revoked.
- (3) If the judgment under reconsideration is revoked the Tribunal may take the decision

again. In doing so, the Tribunal is not required to come to the same conclusion.

69. Application for reconsideration

Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b) the date that the written reasons were sent, if these were sent separately.

70. Process for reconsideration

(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).

(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.

(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the Application.

4. The requirement that a judgment may only be reconsidered where reconsideration is necessary in the interests of justice reflects the public interest in the finality of litigation.
5. The reconsideration rules and procedure are not intended to provide an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way. They are not intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed (with or without different emphasis). Nor do they provide an opportunity to seek to present new evidence that could have been presented prior to judgment.

6. As was stated in *Ebury Partners Uk Limited v Mr M Acton Davis*: [2023] EAT 40:

‘The employment tribunal can therefore only reconsider a decision if it is necessary to do so “in the interests of justice.” A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a “second bite of the cherry” and the jurisdiction to reconsider should be exercised with caution.

Conclusions on the claimant’s application

8. The claimant’s application for reconsideration was made within the required timeframe.

9. Rule 70(2) requires me to consider whether there is any reasonable prospect of the original decision being varied or revoked. I need to decide whether there is any reasonable prospect of a conclusion that variation or revocation of the original decision is necessary in the interests of justice.
10. I have carefully considered the claimant's application and the grounds he sets out in his application, and I have concluded that there is no reasonable prospect of variation or revocation of the original decision. The grounds relied on are assertions by the claimant that the outcome is unfair, that it leaves him 'at a loss of moneys owed' and he 'can't see how the justice system consider this just'. Those are not grounds for reconsideration of the Judgment. The tribunal is required to apply the procedural rules to the facts of the case. I decided that rule 74(2) did not apply because the costs were incurred in respect of conduct which occurred prior to the proceedings.
11. The application for reconsideration does not raise any error of law, any procedural error or any other matter which would make reconsideration necessary in the interests of justice.
12. The claimant's application for reconsideration is therefore refused under rule 70(2).

Approved by

Employment Judge S. Matthews

Date: 13 November 2025

SENT TO THE PARTIES ON

13 November 2025

FOR THE TRIBUNAL OFFICE