



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. M. M. Groves  
**Respondent:** The Salvation Army Trustee Company  
**Decided at:** London South  
**On:** 13<sup>th</sup> April 2026  
**By:** Employment Judge Sudra

## **JUDGMENT on COSTS**

The Respondent's application for a Costs Order under Rule 76 is well founded. A Costs Order is made of 100% of the Respondent's costs claimed and the Claimant is ordered to pay the Respondent costs in the sum of **£2,700.00p** (consisting of counsel's fees in the sum of £2,250.00p plus VAT) in respect of the costs it has incurred to attend today's Interim.

Relief Hearing

## **REASONS**

1. This is the determination of the Respondent's application for costs made on 13<sup>th</sup> April 2026.

2. The application was made under rule 76(1)(a) and (b) of the Employment Tribunal Procedure Rules 2024. Rule 76 provides that if a party against whom an application for costs is made is considered by the Tribunal to have either, in bringing the proceedings or in conducting them, acted vexatiously, abusively, disruptively or otherwise unreasonably, or the claim or response had no reasonable prospect of success, then the Tribunal may make a costs order against that party.
3. The Respondent pursues its application on grounds of the Claimant's unreasonable and vexatious conduct as the Claimant should have known that, in light of the extant Restriction of Proceedings Order ('RPO') against him, his claim had no reasonable prospect of success.
4. The Claimant failed to attend today's Hearing despite the Notice of Hearing having been sent to the parties on, 24<sup>th</sup> March 2026. On Saturday 11<sup>th</sup> April 2026 the Claimant emailed the Tribunal and said, *'I also have an appointment with the Job centre on Monday 13 April which I can not get out of.'*
5. The Claimant's non-attendance is not acceptable. He was aware of today's Hearing and had been sent a Notice of Hearing. It is simply implausible that if the Claimant had presented the Notice of Hearing to the Department of Works and Pensions, his *'appointment with the Job centre'* would not have been re-arranged. The Claimant has a history of failing to attend Hearings in claims which *he* has made and he should have been in attendance today.
6. My clerk emailed the Claimant and telephoned him to secure his attendance but received no response.

## **Procedural History**

7. On 25<sup>th</sup> March 2014, the Attorney General applied for a RPO to be made against the Claimant. The Claimant sought permission to appeal and on 14<sup>th</sup> October 2014, Mrs. Justice Simler (as she then was) denied the Claimant permission.

8. A RPO was sealed on 16<sup>th</sup> October 2016 and remains effective.
9. On 2<sup>nd</sup> February 2025 the Claimant presented an ET1 (2301158/2025) against, inter alia, the present Respondent to this Tribunal and the Claim was dismissed on 23<sup>rd</sup> September 2025 by Employment Judge Khalil (now Regional Employment Judge Khalil) as, '*the Tribunal has no jurisdiction to hear the claim in the light of the extant RPO dated 16 October 2014.*'
10. Undeterred by claim 2301158/2025 having been dismissed, as this Tribunal had no jurisdiction, the Claimant nevertheless went on to present the instant claim on 23<sup>rd</sup> March 2026. The Claimant proceeded to submit his claim despite being acutely aware of the RPO against him and the fact that he must seek – and receive – permission from the Employment Appeal Tribunal ('EAT') before commencing further proceedings.

## **Issues**

11. The issues that I have to determine are:

- (a) Whether the threshold for a costs order has been met;
- (b) whether a costs order should be made; and
- (c) if so, in what amount

## **Has the Threshold for a Costs Order Been Met?**

### *Unreasonable Conduct*

12. There were two aspects to this ground:

- (i) The Respondent contended that the Claimant was well aware that he was prohibited from presenting a claim without the express permission of the EAT. It was unreasonable for the Claimant to pursue his claim against the Respondent, in the absence of the

EAT's permission, considering that there was a 'live' RPO against him.

- (ii) In light of the RPO, the Respondent also asserted that the Claimant must have known that his claim had no reasonable prospects of success.

13. I am satisfied that the matters at paragraphs 12(i-ii) (*supra*) amount to unreasonable conduct by the Claimant.

14. In all the circumstances, I am satisfied that the threshold for a costs order has been met.

#### **Should a Costs Order be Made?**

15. The case of *Yerrakalva v. Barnsley MBC* 2012 ICR 420 makes clear that there does not have to be a direct causal link between the unreasonable conduct and the costs awarded. Rather, in exercising its discretion, the Tribunal should have regard to the nature, gravity and effect of the unreasonable conduct. I am satisfied that the Claimant's pursuit of a claim that had no reasonable prospects of success resulting in legal fees that the respondent should not have incurred. In all the circumstances, I consider it just that a costs order should be made.

#### **How Much Should be Awarded in Costs?**

16. Rule 82 of the Rules provides that in deciding whether to make a costs order, '*the Tribunal may (my emphasis) have regard to the paying party's...ability to pay.*'

17. The Respondent seeks costs in the sum of £2,250.00p plus VAT for counsel's fees incurred to prepare for and attend today's Hearing for Interim Relief. Although I have not taken the Claimant's means into account, I have borne in

mind that costs in this jurisdiction are discretionary, are still relatively unusual and are intended to be compensatory, not punitive.

## Conclusion

18. The process and procedure of this Tribunal, and indeed the Appellate Tribunal, is very well known to the Claimant and he cannot be said, in any way, shape, or form, to be a novice to it.

19. The Claimant was also fully aware of the RPO against him and knew that he required the EAT's permission to commence proceedings as he emailed this Tribunal, on 23<sup>rd</sup> March 2026, in the following terms:

*'Dear Sir,*

*I write in relation to my claim.*

*The Respondent may allege that I have a Restricted proceedings order against me.*

*The EAT did make an order against me in 2014.*

*I have made application to the EAT to grant permission to bring this claim.*

*I have not yet had a decision.'* (My underlining).

20. Unfortunately, the decisions of several senior figures of the Judiciary and Employment Judges or the RPO have not quelled the Claimant's appetite to engage in litigation. It is clear that the Claimant's vexatious and unreasonable conduct comes at a cost to Respondents and the public purse. The Respondent in this case has had to prepare for and attend a Hearing for a claim the Claimant should not have presented and knew he should not have presented. The claimant's conduct cannot be described as anything other than vexatious and, or, unreasonable.

21. I award costs to the Respondent in the sum of £2,700.00p.

**Case Number: 6010209/2026**

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**Employment Judge Sudra**

**Date: 13<sup>th</sup> APRIL 2026**