

SCHEDULE 5

Industrial Tribunals (Non-Discrimination Notices Appeals) Rules of Procedure 1996

For use in proceedings on an appeal against a non-discrimination notice

Costs

9.—(1) Where, in the opinion of the tribunal, an appellant has in bringing or conducting the proceedings acted scandalously, frivolously, vexatiously, abusively, disruptively or otherwise unreasonably, the tribunal may make—

- (a) an order containing an award against that appellant in respect of the costs incurred by another party;
- (b) an order that the appellant shall pay to the Department the whole, or any part, of any allowances (other than allowances paid to members of tribunals) paid by the Department under Article 30(3) of the Order of 1984 to any person for the purposes of, or in connection with, his attendance at the tribunal.

(2) An order containing an award against a party (“the first party”) in respect of the costs incurred by another party (“the second party”) shall be—

- (a) where the tribunal thinks fit, an order that the first party pay to the second party a specified sum not exceeding £500;
- (b) where those parties agree on a sum to be paid by the first party to the second party in respect of those costs, an order that the first party pay to the second party a specified sum, being the sum so agreed; or
- (c) in any other case, an order that the first party pay to the second party the whole or a specified part of the costs incurred by the second party as taxed (if not otherwise agreed).

(3) Where the tribunal has on the application of a party postponed the day or time fixed for or adjourned the hearing, the tribunal may make orders, of the kinds mentioned in paragraphs (1)(a) and (1)(b), against or, as the case may require, in favour of that party as respects any costs incurred or any allowances paid as a result of the postponement or adjournment.

(4) Any costs required by an order under this rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed by the order.