

*These notes refer to the Employment Act 2002  
(c.22) which received Royal Assent on 8 July 2002*

# **EMPLOYMENT ACT 2002**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: Tribunal Reform**

#### **Costs and expenses**

#### ***Section 22: Awards of costs or expenses against representatives***

60. This section extends the scope for making employment tribunal procedure regulations set out in section 13 of the Employment Tribunals Act 1996 (costs and expenses). It does this by substituting subsection (1) of section 13 with four subsections.
61. Specifically, the amendment gives the Secretary of State power by regulations to authorise tribunals to make awards of costs directly against a party's representative, because of the way the representative has conducted the proceedings. The award could mean that the representative may not recover his/her fees from the client, or that he/she has to pay costs incurred by the client, or costs incurred by the other party, as a result of his/her misconduct. It is intended that the regulations will include safeguards to allow the representative the opportunity to put his/her case on any proposed award. The regulations will also be able to define "representative" so as to exclude the not-for-profit sector from wasted costs orders.