



# Employment Tribunals Act 1996

## 1996 CHAPTER 17

### <sup>F1</sup>PART I

#### [<sup>F1</sup>EMPLOYMENT TRIBUNALS]

#### [<sup>F1</sup> Costs etc, interest and enforcement]

#### Textual Amendments

- F1** S. 13 cross-heading inserted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 3 para. 3](#) (with s. 24(5)); S.I. 2014/253, art. 3(h)

### 13 Costs and expenses.

[<sup>F2</sup>(1) Employment tribunal procedure regulations may include provision—

- (a) for the award of costs or expenses;
- (b) for the award of any allowances payable under section 5(2)(c) or (3).

(1A) Regulations under subsection (1) may include provision authorising an employment tribunal to have regard to a person's ability to pay when considering the making of an award against him under such regulations.

(1B) Employment tribunal procedure regulations may include provision for authorising an employment tribunal—

- (a) to disallow all or part of the costs or expenses of a representative of a party to proceedings before it by reason of that representative's conduct of the proceedings;
- (b) to order a representative of a party to proceedings before it to meet all or part of the costs or expenses incurred by a party by reason of the representative's conduct of the proceedings;

*Status: Point in time view as at 26/03/2015.*

*Changes to legislation: Employment Tribunals Act 1996, Cross Heading: Costs etc, interest and enforcement is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) to order a representative of a party to proceedings before it to meet all or part of any allowances payable by the Secretary of State under section 5(2)(c) or (3) by reason of the representative's conduct of the proceedings.
- (1C) Employment tribunal procedure regulations may also include provision for taxing or otherwise settling the costs or expenses referred to in subsection (1)(a) or (1B)(b) (and, in particular in England and Wales, for enabling the amount of such costs to be assessed by way of detailed assessment in [F3 the county court ] ).]
- (2) In relation to proceedings under section 111 of the M1 Employment Rights Act 1996—
- (a) where the employee has expressed a wish to be reinstated or re-engaged which has been communicated to the employer at least seven days before the hearing of the complaint, F4 . . .
- F5(b) . . . . .
- [F6 employment tribunal] procedure regulations shall include provision for requiring the employer to pay the costs or expenses of any postponement or adjournment of the hearing caused by his failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the complainant was dismissed F4 . . . or of comparable or suitable employment.
- [F7(3) Provision included in employment tribunal procedure regulations under subsection (1) must include provision for requiring an employment tribunal, in any proceedings in which a late postponement application has been granted, to consider whether to make an award against the party who made the application in respect of any costs or expenses connected with the postponement, except in circumstances specified in the regulations.
- (4) For the purposes of subsection (3)—
- (a) a late postponement application is an application for the postponement of a hearing in the proceedings which is made after a time determined in accordance with the regulations (whether before or after the hearing has begun), and
- (b) “postponement” includes adjournment.]

#### Textual Amendments

- F2** S. 13(1)-(1C) substituted (9.7.2004) for s. 13(1) by 2002 c. 22, ss. 22(1), 55(2); S.I. 2004/1717, art. 2(1)
- F3** Words in s. 13(1C) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 13(2)(a)(c) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 4(a), Sch. 9(2); S.I. 1999/2830, art. 2, Sch. 1 Pt. II, Sch. 2 Pt. II
- F5** S. 13(2)(b) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 4, Sch. 9(2); S.I. 1999/2830, art. 2, Sch. 1 Pt. II, Sch. 2 Pt. II
- F6** Words in s. 13 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F7** S. 13(3)(4) inserted (26.3.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), ss. 151(3), 164(2)(d)

#### Marginal Citations

- M1** 1996 c. 18.

*Status: Point in time view as at 26/03/2015.*

*Changes to legislation: Employment Tribunals Act 1996, Cross Heading: Costs etc, interest and enforcement is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### [<sup>F8</sup>13A Payments in respect of preparation time

- (1) Employment tribunal procedure regulations may include provision for authorising an employment tribunal to order a party to proceedings before it to make a payment to any other party in respect of time spent in preparing that other party's case.
- (2) Regulations under subsection (1) may include provision authorising an employment tribunal to have regard to a person's ability to pay when considering the making of an order against him under such regulations.

[ Provision included in employment tribunal procedure regulations under subsection (1)  
<sup>F9</sup>(2A) must include provision for requiring an employment tribunal, in any proceedings in which a late postponement application has been granted, to consider whether to make an order of the kind mentioned in subsection (1) against the party who made the application in respect of any time spent in connection with the postponement, except in circumstances specified in the regulations.

(2B) For the purposes of subsection (2A)—

- (a) a late postponement application is an application for the postponement of a hearing in the proceedings which is made after a time determined in accordance with the regulations (whether before or after the hearing has begun), and
- (b) “postponement” includes adjournment.]

(3) If employment tribunal procedure regulations include—

- (a) provision of the kind mentioned in subsection (1), and
- (b) provision of the kind mentioned in section 13(1)(a),

they shall also [<sup>F10</sup>, subject to subsection (4), ] include provision to prevent an employment tribunal exercising its powers under both kinds of provision in favour of the same person in the same proceedings.]

[<sup>F11</sup>(4) Subsection (3) does not require the regulations to include provision to prevent an employment tribunal from making—

- (a) an order of the kind mentioned in subsection (1), and
- (b) an award of the kind mentioned in section 13(1)(a) that is limited to witnesses' expenses.]

#### Textual Amendments

**F8** S. 13A inserted (9.7.2004) by 2002 c. 22, ss. 22(2), 55(2); S.I. 2004/1717, art. 2(1)

**F9** S. 13A(2A)(2B) inserted (26.3.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), ss. 151(4), 164(2)(d)

**F10** Words in s. 13A(3) inserted (25.6.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 21(3)(a), 103(2)

**F11** S. 13A(4) inserted (25.4.2013 for specified purposes, 25.6.2016 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 21(3)(b), 103(1)(i)(2)

## 14 Interest.

- (1) The Secretary of State may by order made with the approval of the Treasury provide that sums payable in pursuance of decisions of [<sup>F12</sup>employment tribunals] shall carry interest at such rate and between such times as may be prescribed by the order.

*Status: Point in time view as at 26/03/2015.*

*Changes to legislation: Employment Tribunals Act 1996, Cross Heading: Costs etc, interest and enforcement is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Any interest due by virtue of such an order shall be recoverable as a sum payable in pursuance of the decision.
- (3) The power conferred by subsection (1) includes power—
- (a) to specify cases or circumstances in which interest is not payable,
  - (b) to provide that interest is payable only on sums exceeding a specified amount or falling between specified amounts,
  - (c) to make provision for the manner in which and the periods by reference to which interest is to be calculated and paid,
  - (d) to provide that any enactment—
    - (i) does or does not apply in relation to interest payable by virtue of subsection (1), or
    - (ii) applies to it with such modifications as may be specified in the order,
  - (e) to make provision for cases where sums are payable in pursuance of decisions or awards made on appeal from [F12 employment tribunals],
  - (f) to make such incidental or supplemental provision as the Secretary of State considers necessary.
- (4) In particular, an order under subsection (1) may provide that the rate of interest shall be the rate specified in section 17 of the M2 Judgments Act 1838 as that enactment has effect from time to time.

#### Textual Amendments

**F12** Words in s. 14(1)(3)(e) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

#### Marginal Citations

**M2** 1838 c. 110.

## 15 Enforcement.

- (1) Any sum payable in pursuance of a decision of an [F13 employment tribunal] in England and Wales which has been registered in accordance with [F13 employment tribunal] procedure regulations [F14] shall be recoverable [F15] under section 85 of the County Courts Act 1984 ] or otherwise as if it were payable under an order of [F16 the county court ] . ]
- (2) Any order for the payment of any sum made by an [F13 employment tribunal] in Scotland (or any copy of such an order certified by the Secretary of the Tribunals) may be enforced as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (3) In this section a reference to a decision or order of an [F13 employment tribunal]—
- (a) does not include a decision or order which, on being reviewed, has been revoked by the tribunal, and
  - (b) in relation to a decision or order which on being reviewed, has been varied by the tribunal, shall be construed as a reference to the decision or order as so varied.

---

*Status: Point in time view as at 26/03/2015.*

*Changes to legislation: Employment Tribunals Act 1996, Cross Heading: Costs etc, interest and enforcement is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

#### **Textual Amendments**

- F13** Words in s. 15 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F14** Words in s. 15(1) substituted (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 8 para. 43**; S.I. 2008/2696, art. 6(b)(ii)
- F15** Words in s. 15(1) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 125** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F16** Words in s. 15(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**Status:**

Point in time view as at 26/03/2015.

**Changes to legislation:**

Employment Tribunals Act 1996, Cross Heading: Costs etc, interest and enforcement is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.