



# 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]*

### 13 Costs and expenses.

- <sup>F1</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;
  - (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 [<sup>F2</sup> the county court ] ).]

*Status: Point in time view as at 26/03/2015. This version of this provision has been superseded.*

*Changes to legislation: Employment Tribunals Act 1996, Section 13 is up to date with all changes known to be in force on or before 15 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) In relation to proceedings under section 111 of the <sup>M1</sup>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, <sup>F3</sup> . . .
- <sup>F4</sup>(b) . . . . .
- [<sup>F5</sup>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 <sup>F3</sup> . . . or of comparable or suitable employment.
- [<sup>F6</sup>(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

- F1** 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)
- F2** 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)
- F3** 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
- F4** 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
- F5** 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
- F6** 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. This version of this provision has been superseded.

**Changes to legislation:**

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