



## Legal Brief on Fees for Employment Tribunal Claims

**By Karen Bristow, Chartered Legal Executive specializing in employment law**

Direct line 01256 854670, email [kbristow@phillips-law.co.uk](mailto:kbristow@phillips-law.co.uk)

HM Courts & Tribunal Service has announced its intention to introduce fees from 29 July 2013 for employment tribunal claims and appeals to the Employment Appeal Tribunal (EAT). Claims that have already been issued prior to this date will not incur any fees.

Fees will be charged for issuing and hearing tribunal claims and for various applications made during tribunal proceedings. However, there is a remission procedure in place whereby parties can apply for an exemption, known as a remission, (in full or part) of fees in certain circumstances, e.g. the party is in receipt of certain state benefits or if the party earns under a certain amount.

### The main features of the new system

The level of the fee payable will depend on the type of claim that a Claimant (the employee) issues (see below) and claimants lodging both Type A and Type B claims will be charged one fee at Type B. If fees are unpaid, the claim will not be allowed to proceed.

### Type A Claims

These will be for simpler claims such as unlawful deduction of wages, statutory redundancy pay and payment in lieu of notice.

#### Fees:

£160 Issue Fee - when a claim form is presented to an employment tribunal

£230 Hearing Fee - on a date specified in a notice accompanying the notification of the listing of a final hearing of the claim

### Type B Claims

These are for more complex issues such as claims relating to unfair dismissal, discrimination, equal pay and whistle blowing.

#### Fees:

£250 Issue Fee - when a claim form is presented to an employment tribunal

£950 Hearing Fee - on a date specified in a notice accompanying the notification of the listing of a final hearing of the claim



## Additional fees

There will also be a fee for several specified applications payable by the party making the application, such as an application for reconsideration of a default judgment or final hearing judgment £100 and application to dismiss a claim following a settlement £60. There are also fees that are payable by Respondents (employers) if they bring a contractual counter-claim £160 and if both parties agree to judicial mediation £600.

For lodging an appeal with the Employment Appeals Tribunal (EAT), the party appealing will pay an issue fee of £400 and a hearing fee of £1,200. There will be only one level of fee regardless of the type of claim or number of claimants.

There are higher fees for multiple claims e.g. where there are 2-10 claimants, the fee is x2 the single fee, and for over 200 claimants, the fee is x6 the single fee.

The Employment Tribunal may order the unsuccessful party to reimburse fees paid by the successful party.

## Other notable changes effective on 29<sup>th</sup> July 2013:

1. Employment Judges will now “sift” through all claims once the Respondent’s Response has been received to determine whether or not the claim or defence has merit.
2. Respondents will now be able to make retrospective applications for an extension of time if they have missed the 28 day time limit to lodge their Response.
3. Parties must bring additional copies of their witness statements to be made available for inspection by members of the public.
4. Unrepresented parties must now copy the other side into their correspondence with the Employment Tribunal.
5. Respondents must pay the judgment within 14 days, not 28 days.
6. Interest starts accruing on an unpaid judgment from 14 days, not 42 days.
7. The Employment Tribunal can now order that a party pay a deposit into court of a sum up to £1000 for each allegation or argument that the tribunal considers has little prospect of success.

If you have a claim that you wish to issue before 29<sup>th</sup> July 2013 or would like to discuss whether you will be exempt from paying , please contact Karen Bristow on 01256 854670 and email [kbristow@phillips-law.co.uk](mailto:kbristow@phillips-law.co.uk)

June 2013