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NEWS REPORT

Country:	United Kingdom
Title:	The Court of Appeal rules on Tribunal Fees challenge: R (Unison) v The Lord Chancellor [2015] EWCA Civ 935
Date:	27 October 2015
Expert:	Aileen McColgan
<u>Context</u>	
Issue at stake:	Enforcement
Ground of discrimination:	All grounds
Source:	Court of Appeal
Field:	Employment
Applicable law:	Equality Act 2010

Content

Case law: This is the latest in a series of decisions arising from challenges brought by Unison (a trade union) to the tribunal fees that were imposed in 2013. In 2013 Unison sought to challenge a Fees Order made pursuant to the Tribunals, Courts and Enforcement Act 2007, Sections 42(1) and 43(3), which required fees to be paid in respect of claims and appeals brought by employment tribunals and the Employment Appeal Tribunal. The Fees Order allowed the remission of fees dependent on the disposable capital and income of the claimant/appellant and contained a discretionary provision for dispensing with fees in exceptional circumstances. This claim had failed but Unison had been granted permission to appeal. Prior to the appeal being heard the appeal was stayed while Unison launched a second application for judicial review of the same Order (after evidence became available as to its impact on the number of cases brought). The second application for judicial failed and relates to the union's appeal on both decisions below.

Decision of the Court: The Court of Appeal has rejected the appeals brought by the trade union Unison against the rejection of its challenges to the imposition of tribunal fees in 2013.

Key points of analysis: The Court of Appeal agreed with the lower courts that the imposition of fees, although they had reduced the number of discrimination cases by around 80%, did not breach the principle of effectiveness and did not amount to unlawful discrimination.

Internet link source:

<http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Civ/2015/935.html&query=unison&method=boolean>, accessed 27 October 2015.