DISPUTES RESOLUTION AUTHORITY

AN CORAS EADRANA

IN THE MATTER OF THE ARBITRATION ACTS 1954 AND 1980

DRA 15/2009

Cumann Grattan Og, CLG Claimants

v Coiste Chontae Longfoirt, Coiste Smachta na gComortasai Longfoirt C.LG & Coiste Eisteachta Laighean C.L G Respondents

Substantive case:

1. In its Decision DRA 15/2009 the Tribunal directed that the costs and expenses of the DRA be bourne by the Respondent, Longford Couty Board. No formal application was made at the conclusion of the Hearing in respect of costs. Mr James Clarke appeared at the Hearing and made representations on behalf of the Claimants. Mr. Clarke through a body known as "Elite Sports Consultants" submitted an invoice to the Claimant in respect of professional services rendered to Cumann Grattan Og C.L.G in relation to his attendance at the DRA Hearing.

The Decision in relation to costs:

2. In respect of the application for costs herein, having considered the matter the Tribunal reject the application for costs and on the following basis.

2. Firstly it is well settled that where a party represents themselves they are only entitled to their expenses associated with such representation, and not a Fee. ***Albert Dawson and Dudley Dawson Trading as AE Dawson and Sons V Irish Brokers Association –Supreme Court – 8/5/2002*** followed where it was held by that "***only legal costs that a Court could measure were allowed"***

3. Secondly, in this case the application for the costs, is for someone other than the applicant such that the applicant can fairly say that they did not represent themselves. However, the award of costs, is the same as an award of legal costs, the addition of the word "legal" or the omission of the word does not change the character of the costs.

4. Costs, or Legal Costs, for they are the same thing, can only be awarded to legal practitioners. As was held in ***London Scottish Benefits Society V Chorley – Brett MR Queen's Bench Division stated "Where an ordinary litigant appears in person, he is paid only for costs out of pocket"***

5. Furthermore in the **Tribunal of Inquiry into Complaints Concerning Some Gardai in The Donegal Division** Mr Justice Morris (page 11 of his Ruling) held that he was not entitled to award costs to Mr Frank McBrearty Junior and Mr Mark McConnell from the date "***that they discharged their legal representation i.e the 27th May 2004***". Full legal costs were paid to the Claimants legal representatives – Solicitor and Counsel – up to that date.

6. It is not necessary to have legal representation before the Tribunal, and indeed the Disputes Resolution Authority was set up in part to reduce the costs associated with dispute resolution. Thus while it is not necessary to engage legal personnel, they can be engaged and where so engaged the successful party with such representation would be entitled to apply for their costs or legal costs and they might well be awarded depending on the particular facts of the case.

7. Equally one may engage whom so ever they want to represent them before the tribunal. However if the representation is other than by legal personnel, there cannot be an award of costs, or legal costs for the reasons as stated above.

8. To award costs to non legal personnel, would amount to allowing persons to practice as lawyers without attaining the necessary professional qualification.

9. To award costs in these circumstances, in effect legal costs, would also mean that there was no independent means of assessing the costs in the event that they could not be agreed. They could not for instance be referred to the Taxing Master of the High Court as he can only deal with Solicitors bills of Costs and the disbursements and outlay included therein.

10. Thus while the applicant was represented herein, as the representation was other then by legal personnel, the is no procedure in law, or lawful authority for the awarding of costs, in effect legal costs to the applicant and or his representative.

Dated this the 10th day of February 2012

Signed

Alan Gahnon Chairman

Patrick Purcell B.L.

Brendan Ward