

# DISPUTES RESOLUTION AUTHORITY

Record No: DRA / 19 / 2006

**BETWEEN:-**

**Tomás O hAodha (mar ionadaí ar son Tomás O hAodha),  
Gearard O'Muineachain (mar ionadaí ar son Seán O'Muineachain),  
Agus  
Gearard O'Muineachain (mar ionadaí ar son Deaglán O'Muineachain)**

**Claimants**

**-and-**

**Padraig Óg Nuinseann  
(mar ionadaí ar son Coiste Riarachain na gCluichí, Ard Mhacha)**

**Respondents**

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## DECISION ON COSTS AND EXPENSES

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1. On 12 August 2006 the substantive decision in these proceedings was issued refusing the relief sought by the Claimant or any relief.
2. The parties were invited to make written submissions in relation to legal costs and the expenses of the DRA arising from these proceedings.
3. Written submissions have been received from the Solicitors representing the Claimants and the Respondent in these proceedings for which the Panel is grateful.
4. The Respondent submits that under the Code, costs follow the event, save in exceptional circumstances. This contention is accepted by the Tribunal as laid

down in Section 11.2 of the Disputes Resolution Code. The Respondent further contends that although the Claimants are minors, the expenses of the DRA and the legal costs of the Respondent arising out of these proceedings should be discharged solely by the Claimants.

5. The Respondent in their written submissions raised additional views concerning the Claimants and their application to the DRA which the Tribunal wholly dismissed as being inappropriate and irrelevant to the issue of costs and expenses.
6. The Claimants submit that they were entitled to take this case against the Respondent due to the inadequacy of the rule book in County Armagh and the confusion as regards transfers within said County. This view is accepted by the Tribunal. As a result of these matters the Claimants contend that as minors, they have been forced to pursue other recreational activities rather than play GAA, and that costs in this case should be granted against the Respondent as no other option was available to the Claimants other than to pursue this particular course of action to the Disputes Resolution Authority.
7. The Tribunal notes that the Claimants are indeed minors however are not persuaded to depart from Section 11.2 of the Disputes Resolution Code which states that costs follow the event save in exceptional circumstances. The exceptional circumstances have not been made out, in this instance, allowing for such departure. Subsequent to this, the Tribunal directs as follows.
8. The Tribunal makes the following Order as to the legal costs and expenses of the DRA:
  - (a) The Legal Costs of the Respondent, directly relating to these proceedings, shall be discharged by the Claimants.
  - (b) The Respondent is directed to submit their Legal Costs to the Disputes Resolution Authority within fourteen days of said decision
  - (c) The parties are to have liberty to apply to have the Tribunal measure the costs and expenses of such foregoing sums.
  - (d) The expenses of the DRA, in such sum as is certified by the Secretary, shall be discharged in equal amounts by the Claimants and the Respondent.
  - (e) The sum due from the Claimants shall be deducted from the sum of €1000.00 paid by the Claimants on lodging their application.
  - (f) The balance of the said sum of €1000.00, if any, following the said deduction, shall be refunded to each of the Claimants.

Dated this 28<sup>th</sup> day of February 2007.

Signed: Felix Swift. BL. (Cathaoirleach) \_\_\_\_\_

David Curran. \_\_\_\_\_

Peter Brannigan. \_\_\_\_\_