

**DISPUTES RESOLUTION AUTHORITY**

**Record No. DRA/2/2005**

**Between:**

**Mairtín Ó Gríofa**  
**(mar ionadaí as son An Druipseach CLG)**  
**Anne O'Sullivan (ar son Jamie Ó Suilleabháin),**  
**Fiona Foley (ar son Daithí Ó Foghlú),**  
**James O'Sullivan (ar son Daithí Ó Suilleabháin),**  
**Pat Griffin (ar son Daithí Ó Gríofa),**  
**Cornelius Corkery (ar son Pól Ó Corcora),**  
**Margaret Hayes (ar son Conchur Ó hAodha),**  
**Herbert O'Sullivan (ar son Adrian Ó Sulleabháin),**  
**Seosamh Ó Mhurchú (Joseph Murphy),**  
**Willie O'Mahony (ar son Daithí Ó Mathúna).**

**Claimants**

**-and-**

**Proinnsias Ó Murchú**  
**(mar ionadaí as son Coiste Chontae Chorcaí),**  
**Proinnsias Ó Murchú.**

**Respondents**

**DECISION ON COSTS AND EXPENSES**

**Background**

1. On or about the 11<sup>th</sup> day of August 2005 the substantive decision in these proceedings issued, whereby the relief sought by the Claimants was refused.

2. This decision concerns the costs and expenses arising from the hearing of those proceedings. The Respondents have made an application for the costs of the hearing and have submitted that the Claimants should discharge the costs and expenses of the Disputes Resolution Authority

### **Legal Costs**

3. It is within the absolute discretion of the Disputes Resolution Authority to determine the issue of costs (section 29 of the Arbitration Act 1954 (as amended)). The Disputes Resolution Code is silent on the issue of costs. The only guidance offered by the Code is to be found at paragraph 7.7 thereof. It states:

“If any party deliberately or recklessly misleads the Secretary or the Tribunal as to any facts relevant to the dispute or referral, the Tribunal may dismiss their Claim or strike out their Reply and make punitive awards as to costs.”

4. No such “deliberate or reckless” misleading of the Tribunal occurred in this case which was conducted by both parties in an appropriate manner, and therefore the Rule does not provide much assistance in this instance.

5. Having regard to all the circumstances of this case, and to the relative positions of the parties involved, we consider it appropriate to make no order as to costs in this instance. In particular, we note that the majority of the Claimants are minors and that the Claimant club is a new club seeking to establish itself on a secure footing, both on and off the field of play, and in the circumstances, an award of costs against the Claimants may have an unduly onerous impact.

## Expenses

6. It is our understanding that the costs of the Dispute Resolution Authority must be met by the parties to any claim. In the circumstances of this claim, we determine that the Claimants should discharge the costs and expenses of the Tribunal.

Dated this 1<sup>st</sup> day of November 2005

Signed: Brian Rennick, Declan Hallissey, Rory Mulcahy

A handwritten signature in black ink, appearing to read 'Rory Mulcahy', is written in a cursive style.