

IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL
(INFORMATION RIGHTS) UNDER SECTION 57 OF THE FREEDOM OF
INFORMATION ACT 2000

APPEAL: EA/2016/0054

BETWEEN:

JOHN BRACE

Appellant

-and-

(1) THE INFORMATION COMMISSIONER
(2) MERSEYSIDE FIRE AND RESCUE AUTHORITY

Respondents

Ruling on Wasted Costs

1. I treat Mr. Brace's written submission dated 22nd. August, 2017 as his response to my provisional proposal to make a Wasted Costs Order against him when, on 3rd. March, 2017, I refused permission to appeal the striking out of his application for costs against the Second Respondent. No order has been made. I gave him the opportunity to argue against such an order as required by the Rule 10(5)(a) of the 2009 Rules.
2. I am satisfied that I have no power to make the proposed order, although not on account of any of the matters raised in Mr. Brace's submission.
3. Put shortly, a wasted costs order under s.29(4) of the 2007 Act can only be made against the legal representative of a party in

respect of the costs incurred by another party. There was no power to make the order that I proposed.

4. Accordingly, I shall make no such order.
5. For the avoidance of doubt, this ruling does not affect in any way the earlier order to strike out Mr. Brace's application for his costs.

David Farrer QC

Tribunal Judge,

25th. August, 2017