

SCHEDULE 1

THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2020

PART 4

THE RESPONSE TO THE CLAIM

Reconsideration of rejection

17.—(1) Subject to paragraph (2), a respondent whose response has been rejected under rule 16 may apply for a reconsideration on the basis that—

- (a) the decision to reject was wrong; or
- (b) the notified defect can be rectified.

(2) Paragraph (1)(b) does not apply in the case of a rejection under rule 16(1)(d).

(3) The application shall—

- (a) be in writing;
- (b) be presented within 14 days of the date that the notice of rejection was sent;
- (c) explain why the decision is said to have been wrong or rectify the defect; and
- (d) state whether the respondent requests a hearing.

(4) If the respondent does not request a hearing, or an employment judge decides, on considering the application, that the response shall be accepted in full, the employment judge shall determine the application without a hearing; otherwise the application shall be considered at a hearing attended only by the respondent.

(5) If the employment judge decides that the original rejection was correct but that the defect has been rectified, the response shall be treated as presented on the date that the defect was rectified (but the employment judge may extend time under rule 6).