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STATUTORY INSTRUMENTS

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**2023 No. 967**

**The Employment Appeal Tribunal (Amendment) Rules 2023**

**Amendment to the Employment Appeal Tribunal Rules 1993**

- 2.—(1) The Employment Appeal Tribunal Rules 1993(1) are amended as follows.
- (2) In rule 3 (institution of appeal)—
- (a) in paragraph (1) omit sub-paragraph (b);
  - (b) in paragraph (2) omit sub-paragraph (i).
- (3) At the end of rule 37 (time) insert—
- “(5) If the appellant makes a minor error in complying with the requirement under rule 3(1) to submit relevant documents to the Appeal Tribunal, and rectifies that error (on a request from the Appeal Tribunal or otherwise), the time prescribed for the institution of an appeal under rule 3 may be extended if it is considered just to do so having regard to all the circumstances, including the manner in which, and the timeliness with which, the error has been rectified and any prejudice to any respondent.”.
- (4) In the Schedule—
- (a) in Form 1—
    - (i) in paragraph 2 for “*including telephone number if any*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;
    - (ii) in paragraph 4 after “*addresses*” insert “*- including email addresses and telephone numbers if available -*”;
    - (iii) for paragraph 5 substitute—

“(5) You must attach to this notice—

      - (a) in the case of an appeal from a judgment of an employment tribunal a copy of the written record of the judgment of the employment tribunal which is subject to appeal and the written reasons for the judgment, or an explanation as to why written reasons are not included;
      - (b) in the case of an appeal from an order or other decision of an employment tribunal in relation to the conduct of proceedings, a copy of the written record of the order or decision of the employment tribunal which is subject to appeal and (if available) the written reasons for that order or decision.”;
    - (iv) in paragraph 6—
      - (aa) for “*review*” in each place it occurs substitute “*reconsideration*”;
      - (ab) in the words after sub-paragraph (d) for “*must*” substitute “*should*”;
    - (v) after paragraph 7 insert—

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(1) S.I. 1993/2854; relevant amending instruments are S.I. 2001/1128, 2004/2526, 2004/3426, 2005/1871, 2007/2974, 2010/1088, 2013/1693 and 2019/348. S.I. 2007/2974 is revoked by S.I. 2019/348. Section 1(2) of the [Employment Rights \(Dispute Resolution\) Act 1998 \(c.8\)](#) substituted all references to the “industrial tribunal” or “industrial tribunals” with “employment tribunal” or “employment tribunals” respectively.

“Before submitting a Notice of Appeal, you should read and consider the relevant sections of the Appeal Tribunal Practice Direction. If you decide to submit an appeal, you must comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in the appeal. You must also comply with the overriding objective and communicate with the Appeal Tribunal and the other party or parties in a respectful and appropriate manner.”;

(vi) after “Date” omit the words from “Once you have” to “struck out.”.

(b) in Form 1A—

(i) in the heading before “*regulation 35(6)*” insert “*or*”;

(ii) in paragraph 2 for “*including telephone number if any*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;

(iii) in paragraph 4 after “*addresses*” insert “*- including email addresses and telephone numbers if available-*”;

(iv) after paragraph 6 insert—

“Before submitting a Notice of Appeal, you should read and consider the relevant sections of the Appeal Tribunal Practice Direction. If you decide to submit an appeal, you must comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in the appeal. You must also comply with the overriding objective and communicate with the Appeal Tribunal and the other party or parties in a respectful and appropriate manner.”;

(c) in Form 2—

(i) in paragraph 2 for “*including telephone number if any*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;

(ii) after paragraph 4 insert—

“Before submitting a Notice of Appeal, you should read and consider the relevant sections of the Appeal Tribunal Practice Direction. If you decide to submit an appeal, you must comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in the appeal. You must also comply with the overriding objective and communicate with the Appeal Tribunal and the other party or parties in a respectful and appropriate manner.”;

(d) in each of Forms 3 and 4B—

(i) in paragraph 2 for “*including telephone number if any*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;

(ii) before “Date” insert—

“You must read and comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in this appeal/application. You must also comply with the overriding objective and communicate with the Appeal Tribunal and other party or parties in a respectful and appropriate manner.”;

(e) in each of Forms 4, 5 and 7—

(i) in paragraph 2 for “*including telephone number, if any*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;

(ii) before “Date” insert—

“You must read and comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in this appeal/application. You must also comply with the overriding objective and communicate with the Appeal Tribunal and other party or parties in a respectful and appropriate manner.”;

(f) in Form 5A—

- (i) in the heading omit “*or Regulation 53(6) of the Companies (Cross-Border Mergers) Regulations 2007*”;
- (ii) in paragraph 2 for “*including telephone number, if any*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;
- (iii) in the text immediately after paragraph 3 omit “*or Companies (Cross-Border Mergers) Regulations 2007*”;
- (iv) before “Date” insert—

“You must read and comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in this appeal/application. You must also comply with the overriding objective and communicate with the Appeal Tribunal and other party or parties in a respectful and appropriate manner.”;

(g) in Form 6—

- (i) in paragraph 2 for “*including telephone number*” substitute “*including email address and telephone number, if any - please state your preferred method of communication*”;
- (ii) after paragraph 4 insert—

“You must read and comply with the sections of the Appeal Tribunal Practice Direction relevant to each step you take in this appeal/application. You must also comply with the overriding objective and communicate with the Appeal Tribunal and other party or parties in a respectful and appropriate manner.”.