

**THE INDUSTRIAL TRIBUNALS AND THE FAIR EMPLOYMENT TRIBUNAL
PRESIDENTIAL DIRECTION ISSUED UNDER REGULATION 14 OF THE
INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL
(CONSTITUTION AND RULES OF PROCEDURE) REGULATIONS (NORTHERN
IRELAND) 2020 AND PRESIDENTIAL GUIDANCE ISSUED UNDER RULE 8 OF
THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF
PROCEDURE 2020**

APPLICATIONS FOR EXTENSION OF TIME FOR PRESENTING A RESPONSE

Rule 18 provides:

Applications for extension of time for presenting response

18.—(1) An application for an extension of time for presenting a response shall—

- (a) be presented in writing;
- (b) be copied to the claimant;
- (c) set out the reason why the extension is sought;
- (d) except where the time limit has not yet expired, be accompanied by a draft of the response which the respondent wishes to present or an explanation of why that is not possible; and
- (e) if the respondent wishes to request a hearing, include that request.

(2) The claimant may within 7 days of receipt of the application give reasons in writing explaining why the application is opposed.

(3) An employment judge may determine the application without a hearing.

(4) If the decision is to refuse an extension, any prior rejection of the response shall stand. If the decision is to allow an extension, any judgment issued under rule 19 shall be set aside.

Rule 89 provides:

Correspondence with the tribunal: copying to other parties

89. Where a party sends a communication to the tribunal (except an application for an order requiring a person to attend a hearing under rule 27(1)(a)(iii)) that party shall send a copy to all other parties and state that it has done so (by use of “cc” or otherwise) including the date and means of delivery. The tribunal may order a departure from this rule where it considers it in the interests of justice to do so.

CLAIMANTS AND RESPONDENTS SHOULD NOTE THE FOLLOWING which arise from the above Rules:

1. Respondents are required to follow rule 18(1) **in full** when making an application for an extension of time for presenting a response to a claim. The application should be sent to the tribunal office by email, where possible.

2. In accordance with rule 18(2), if a claimant wishes to oppose that application, the claimant's written reasons for opposing the application must be sent to the tribunal office **within 7 days** of the claimant receiving the respondent's application. The claimant's written reasons should be sent to the tribunal office by email, where possible.
3. The tribunal office's email address is: mail@employmenttribunalsni.org.
4. Although rule 18(2) does not state that the claimant should copy their reasons for opposing the respondent's application for an extension of time to the respondent, **claimants are directed to copy their written reasons for opposing the application to the respondent, at the same time as sending them to the tribunal**, in accordance with the requirements of rule 89.
5. A respondent's application for an extension of time cannot be considered until either:
 - (i) the expiry of 7 days from the date on which the claimant received a copy of the application for an extension of time; or
 - (ii) the date on which the tribunal receives the claimant's written reasons for opposing the application for an extension of time, if earlier.Accordingly, the date on which an application for an extension of time can be considered may fall outside the 28 day time limit for presenting a response.
6. Any reference to a claimant or to a respondent means a reference to the claimant's representative or the respondent's representative, if they have a representative.

President: Eileen McBride CBE

18 October 2020