



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Christopher Francis

Respondent: The Pensions Regulator

JUDGMENT

The Employment Tribunal Rules of Procedure 2013 - Rule 21

1. The Respondent filed its Response to the claim out of time contrary to Rule 16(1). The Respondent applied for an extension of time to file its Response under Rule 20 but this was opposed by the Claimant.
2. Having considered the parties' submissions, I have refused to allow the extension of time sought. The delay of 53 days in filing the Response is substantial and the Respondent has failed to provide an adequate explanation or evidence for the delay, which appears to be due to its own administrative failings.
3. It would not be just and equitable in these circumstances to inflict further delay on the Claimant by permitting the late Response. The time limits prescribed by the Rules are not optional. I am not satisfied that the Respondent has demonstrated sufficient grounds to grant the extension sought.
4. The consequences of the refusal to extend time are that pursuant to Rule 21(1), no Response has effectively been presented in time in this claim.
5. Under Rule 21(2), I have decided that a determination can properly be made on liability based on the material available. The claim succeeds on liability grounds only. The Claimant's entitlement to remedy will be determined at a remedy hearing.
6. Under Rule 21(3), the Respondent is entitled to notice of hearings and decisions but may only participate in the remedy hearing to the extent permitted by the Judge.

Judge M Aspinall
Tuesday, 16th July 2024