



EMPLOYMENT TRIBUNALS

Claimant: Mr M Jagger

Respondent: E.C. Wire Limited

Heard at Leeds

ON: 3 June 2025

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: In person

Respondent: Mr B Tudor, Director

JUDGMENT

1. It was reasonably practicable for the claimant's claim to have been presented within the time limit of three months. The Tribunal considers that the complaint would not have been presented whilst the claimant was on bail but when his period of bail finished on 7 June 2024 it was not reasonable for the claimant to have a further extended period starting on 7 June 2024 and ending on 15 July 2024 when the complaint was presented. It is for that reason that the claimant's claim for unauthorised deduction of wages is dismissed.

REASONS

1. Claim

- 1.1. Unauthorised deduction of wages.

2. Issue

- 2.1. Whether the Tribunal was satisfied that it was not reasonably practicable for a complaint to be presented before the end of the relevant period of

three months and such further period as the Tribunal considers reasonable.

3. The Law

The Tribunal has to have regard to the following provision of the law:

Section 23(4) Employment Rights Act 1996 – “Where the employment tribunal is satisfied that it was not reasonably practicable for a complaint under this section to be presented before the end of the relevant period of three months, the tribunal may consider the complaint if it is presented within such further period as the tribunal considers reasonable.”

4. Facts

The Tribunal having carefully reviewed all the evidence (both oral and documentary) before it finds the following facts (proved on the balance of probabilities):

- 4.1. The claimant made a claim of £680.00 in respect of what he alleged was unauthorised deduction of wages in the month of August 2023.
- 4.2. The hearing was fixed for 19 February 2025 but the claimant did not attend because he thought the hearing was not an attended hearing but a video hearing.
- 4.3. The hearing was adjourned until 24 April 2025 when both parties attended.
- 4.4. It was apparent that the claimant was potentially out of time. The claim was as we have said in August 2023 and the complaint was not presented until 15 July 2024.
- 4.5. We asked the claimant why it had taken so long to issue the claim. He said that he was on bail from September 2023 until 7 July 2024 and that it was a condition of his bail that he do not approach the respondent.
- 4.6. The claimant came to the Tribunal without his bail conditions and so at the adjourned hearing on 24 April 2025 he was ordered to produced them to the Tribunal and serve a copy on the respondent.
- 4.7. The claimant did produce the bail conditions to the Tribunal but failed without reasonable excuse to serve them on the respondent.
- 4.8. At the outset of this hearing time was given to the respondent to deal the bail conditions which made it clear that during the period of bail the claimant was not to contact directly or indirectly the respondent. Though in so far as that went the Tribunal finds during the bail period the claimant could not present his claim.
- 4.9. What was not right was that the bail period ended as the claimant had said on 7 July 2024 when in fact it ended on 7 June 2024. The claimant had approximately five weeks to present his claim before he in fact did. The claimant had no explanation for not doing this at all. He just said that he did not know why he left it so long and that was all he had to say. He did not realise why he had not presented his claim earlier.
- 4.10. The claimant accepts that he knew of his rights to claim in the Tribunal and this is self-evident from the fact that he did not present the claim during the period of his bail.

5. **Determination of the Issues**

(After listening to the factual and legal submissions made by and on behalf of the respective parties):

- 5.1. Whilst it is clear that the claimant could not present his claim up to the end of his bail conditions he most certainly could have done as soon as his bail was complete.
- 5.2. The claimant could not have issued his claim within the three month time limit because of the terms of bail and it would have been in order for a further period up to the end of his bail to be reasonable.
- 5.3. What was not reasonable was the claimant's failure to present his claim as quickly as he could after the end of his bail.
- 5.4. What was also unreasonable was that the claimant was unable to give any reasonable explanation for failing to make the claim as soon as possible after 7 June 2024.
- 5.5. In all the circumstances the claimant was out of time in presenting his claim and his claim for unauthorised deduction of wages is hereby dismissed.

J Shulman

Approved by Employment Judge Shulman

Date: 11 June 2025

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>