

Neutral Citation Number: [2026] EAT 69

Case No: EA-2024-001004-RN

**EMPLOYMENT APPEAL TRIBUNAL**

Rolls Building  
Fetter Lane, London  
EC4A 1NL

Date: 30 April 2026

**Before:**

**HIS HONOUR JUDGE JAMES TAYLER**

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**Between:**

**Ms Z Chowdhury**

**Appellant**

**- and -**

**Secretary of State for Health and Social Care**

**Respondent**

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**Zayn Chowdhury for the Appellant**

**Paul Smith (instructed by the Government Legal Department) for the Respondent**

Appeal from Registrar's Order  
Hearing date: 30 April 2026  
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**JUDGMENT**

**HIS HONOUR JUDGE JAMES TAYLER:**

1. The parties are referred to as the claimant and respondent as they were before the Employment Tribunal.
2. The claimant seeks to appeal against case management orders made during a final hearing that took place from 17-19 June 2024, Employment Judge Goodman, sitting with members. The hearing was postponed after the claimant stated that she was unwell and unable to proceed.
3. The Orders were made orally at the hearing. A written record of the order was not sent to the parties after the hearing was postponed.
4. The claimant's representative requested written reason for the Orders.
5. The claimant submitted an appeal on 30 July 2024. In the covering email the claimant stated:  
Email to Tribunal requesting for judges' written decisions and reasons for the decisions. A follow up email to the Tribunal asking for the written decision and reasons for the decisions. Waiting for a response (email).
6. On 8 August 2024, the Employment Tribunal wrote to the claimant stating that the appeal had not properly been instituted. The letter included the following:  

Please be aware that the 42-day time limit for lodging an appeal still applies and the "clock" will not stop running until the appeal is considered to be validly lodged. If the appeal is deemed to be properly instituted outside of the stipulated 42 day time limit, then your case manager (once one has been allocated) will advise you of this in due course and you will be invited to make a formal application for an extension of time.

Please note we will not send any further reminder letter to you. If we do not hear from you by (03-10-2024) the potential Notice of Appeal, we have received will be archived and no further action will be taken.
7. The claimant misread the letter and thought that the time for submitting the reasons was extended to 3 October 2024.
8. On 10 August 2024, a document headed "Reasons for Case Management Orders" was sent by the Employment Tribunal to the parties.
9. The claimant submitted a revised Notice of Appeal together with the "Reasons for Case Management Orders" to the EAT that were deemed to have been received on 2 October 2024.
10. The EAT treated the appeal as submitted out of time. The claimant applied for an extension of time.

11. By an Order sealed on 9 June 2025, L Meredith (authorised to act on behalf of the Registrar) held that the last day for submitting an appeal was 23 September 2024; 42 days after the Reasons for Case Management Orders was sent to the parties by the Employment Tribunal. The appeal was treated as nine days out of time. Ms Meredith refused to grant an extension of time.
12. The claimant appeals from the Registrar’s Order. The appeal is treated as a rehearing and the matter is considered afresh.
13. It is necessary to consider the relevant rules in the Employment Tribunal and EAT.
14. Rule 1(3) of the **ET Rules 2013**, in force at the relevant time, provided:
  - (3) An order or other decision of the Tribunal is either—
    - (a) a “**case management order**”, being an **order or decision of any kind in relation to the conduct of proceedings**, not including the determination of any issue which would be the subject of **a judgment**; or ... [emphasis added]
15. Thus, a decision of the Employment Tribunal is either a case management order or a judgment.
16. It is clear that the decisions made by the Employment Judge Goodman Tribunal were case management orders.
17. Rule 61 **ET Rules 2013** provides:
  - 61.— Decisions made at or following a hearing
    - (1) Where there is a hearing the Tribunal may either **announce** its decision in relation to any issue at the hearing **or reserve** it to be sent to the parties as soon as practicable in writing.
    - (2) If the decision is **announced at the hearing, a written record** (in the form of a judgment if appropriate) **shall be provided to the parties** (and, where the proceedings were referred to the Tribunal by a court, to that court) **as soon as practicable**. (Decisions concerned only with the conduct of a hearing need not be identified in the record of that hearing unless a party requests that a specific decision is so recorded.)
    - (3) The written record shall be signed by the Employment Judge. [emphasis added]
18. If a decision is made at a hearing a “written record” should be provided to the parties as soon as practicable thereafter. In the case of a case management order that should be a written record of the order.

19. Rule 62 of the **ET Rules 2013** states:

62.— Reasons

(1) The Tribunal shall **give reasons for its decision on any disputed issue**, whether **substantive or procedural** (including any decision on an application for reconsideration or for orders for costs, preparation time or wasted costs).

(2) In the case of a decision given in writing the reasons shall also be given in writing. In the case of a **decision announced at a hearing the reasons may be given orally at the hearing or reserved to be given in writing later** (which may, but need not, be as part of the written record of the decision). Written reasons shall be signed by the Employment Judge.

(3) **Where reasons have been given orally, the Employment Judge shall announce that written reasons will not be provided unless they are asked for by any party** at the hearing itself or by a written request presented by any party within 14 days of the sending of the written record of the decision. **The written record of the decision shall repeat that information.** If no such request is received, the Tribunal shall provide written reasons only if requested to do so by the Employment Appeal Tribunal or a court. [emphasis added]

20. Thus, where an oral case management order is made, the Employment Tribunal should as soon as practical send a written record of the order and, in certain circumstances, may also provide written reasons.

21. Rule 3 of the **Employment Appeal Tribunal Rules 1993 (as amended)** (“**EAT Rules**”) sets out the documents that must be submitted to institute an appeal properly:

3.— Institution of Appeal

(1) Every appeal to the Appeal Tribunal shall, subject to paragraphs (2) and (4), be instituted by serving on the Tribunal the following documents—

(a) a **notice of appeal** in, or substantially in, accordance with Form 1, 1A or 2 in the Schedule to these rules; ...

(e) in the case of an **appeal from an order** of an employment tribunal a **copy of the written record of the order** of the employment tribunal which is subject to appeal **and (if available) the written reasons for the order;**

22. The **EAT Rules 1993** draw a distinction between the documents required to institute an appeal from a judgment as opposed to an order of the Employment Tribunal. In the case of an order the written record of the order must be provided, but the reasons need only be provided if they are available.

23. The time limit for appeals to the EAT depends on whether the appeal is against a judgment or order. Rule 3(3) **EAT Rules 1993** provides:

(3) The period within which an appeal to the Appeal Tribunal may be instituted is—

**(b) in the case of an appeal from an order of an employment tribunal, 42 days from the date of the order;**

24. The date of an order is treated as being the date that the written record of the order was sent to the parties, rather than the date on which the oral order was pronounced:

**Ameyaw v Pricewaterhousecoopers Services Ltd and another** UKEAT/0292/18.

25. Where an appeal is submitted before the written decision subject of the appeal has been sent to the parties, the appeal is not treated as being invalid because it is premature:

**Elhalabi v Avis Budget UK Limited** [2022] EAT 185.

26. Rule 37 **EAT Rules 1993** provides a power for the EAT to extend time.

37 (1) The time prescribed by these Rules or by order of the Appeal Tribunal for doing any act may be extended (whether it has already expired or not) or abridged, and the date appointed for any purpose may be altered, by order of the Tribunal. ...

27. The EAT has for many years adopted a relatively strict approach to the time limit for the submission of an appeal. In **United Arab Emirates v Abdelghafar and Anor** [1995] ICR 65, EAT, Mummery J stated that the EAT will expect a full and honest explanation for the delay and will consider whether there are circumstances which justify granting an extension of time. Mummery J stated that the EAT should consider the explanation for the delay, whether it provides a good excuse for the default and whether there are circumstances that justify the EAT taking the exceptional step of granting an extension of time. There is a discretion to be exercised in every case: **Ridley v HB Kirtley** [2024] EWCA Civ 884, [2025] I.C.R. 441.

28. The EAT has a power to waive non-compliance; Rule 39 **EAT Rules**:

39 Non-compliance with, and waiver of, rules

(1) Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the Appeal Tribunal otherwise directs.

(2) The Tribunal may, if it considers that to do so would lead to the more expeditious or economical disposal of any proceedings or would otherwise be desirable in the interests of justice, dispense with the taking of any step required or authorised by these Rules, or may direct that any such steps be taken in some manner other than that prescribed by these Rules.

(3) The powers of the Tribunal under paragraph (2) extend to authorising the institution of an appeal notwithstanding that the period prescribed in rule 3(2) may not have commenced.

29. Where oral orders are made in the course of a hearing the written record of the orders will often be contained in the written reasons for the eventual judgment. In this case because the hearing was postponed a judgment was not produced.
30. Strictly speaking, no written record of the order was produced, but only written reasons for the order. That said, the written reasons explain the order and the reasons for it. In the circumstances I consider the appropriate thing to do is to apply Rule 39 **EAT Rules** to permit the appeal to proceed on the basis of the revised Notice of Appeal submitted on 2 October 2024.
31. Alternatively, if the Reasons for Case Management Orders were to be treated as being the written record of the orders, I would have granted an extension of time so that the revised Notice of Appeal be treated as submitted in time in circumstances in which the claimant sought to appeal at the earliest opportunity and had misunderstood correspondence from the Employment Tribunal and thought that time for appealing had been extended to 3 October 2024.
32. The appeal from the Registrar's Order is allowed and this appeal will now proceed to be sifted in the usual way.