



EMPLOYMENT TRIBUNALS

Claimant: John Everatt

Respondent: The Perfect Pint Limited

Heard: in public by Cloud Video Platform **On:** 18 August 2026

Before: Employment Judge Ayre, sitting alone

Representation

Claimant: represented himself

Respondent: did not attend and was not represented

JUDGMENT AT PRELIMINARY HEARING

The claim is out of time, and the Tribunal does not have jurisdiction to hear it.

REASONS

Background

1. The claimant was employed by the respondent until 8 August 2025. He began Early Conciliation on 11 November 2025, and the Early Conciliation Certificate was issued on 19 December 2025. The claim was presented to the Tribunal on 12 January 2026.
2. The claim was served on the respondent at its registered office address. The respondent has not filed a response to the claim and has not played any part in the

proceedings.

The hearing

3. Today's hearing was listed to determine whether the Tribunal has jurisdiction to hear the claim because it was submitted more than three months after the date of termination of the claimant's employment.
4. At the start of the hearing Mr Everatt told the Tribunal that the only claim he is bringing is for unfair dismissal.
5. I heard evidence and submissions from the claimant.

Findings of fact

6. The claimant's employment with the respondent terminated on 8 August 2025 when the claimant arrived at work and was told by Simon Groves, the landlord, that he was being sacked and to get off the premises. Since that day the claimant has not heard from the respondent. He tried to contact Mr Groves, but Mr Groves has completely ignored him.
7. The claimant first thought about bringing an Employment Tribunal claim about two months after he was dismissed. He did not take any legal advice but did his own internet research. Someone suggested that he should try bringing an unfair dismissal claim, and at that point he began carrying out google searches.
8. The claimant became aware of the right to bring a claim some weeks after he was dismissed. He did not however become aware of the time limit for bringing claims until he spoke to ACAS. The claimant has been involved in other legal proceedings, in which he has represented himself, and believed that the time limit for Tribunal claims is the same as for other claims.
9. The claimant has not worked since he was dismissed and is now effectively retired. Last year he had health problems and was in hospital five times between March 2025 and December 2025. On four of those occasions, he was in hospital for approximately five days, and on one occasion he was in for 8 days.
10. When asked why he did not put his claim in sooner, the claimant told the Tribunal that he was not aware of time limits and thought he had more time, and was trying to stay out of hospital.

The Law

11. The time limit for bringing claims of unfair dismissal is set out in section 111 of the Employment Rights Act 1996 ("**the ERA**") which provides as follows:

"(1) A complaint may be presented to an employment tribunal against an employer by any person that he was unfairly dismissed by the employer."

(2) Subject to the following provisions of this section, an employment tribunal shall not consider a complaint under this section unless it is presented to the tribunal –
(a) before the end of the period of three months beginning with the effective date of termination, or
(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(2A) Section 207B (extension of time limits to .facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).

(3) Where a dismissal is with notice, an employment tribunal shall consider a complaint under this section if it is presented after the notice is given but before the effective date of termination...

12. Section 207B of the ERA provides for the extension of time limits to enable early conciliation to take place before proceedings are commenced:

“(1) This section applies where this Act provides for it to apply for the purposes of a provision of this Act (“a relevant provision”).

(2) In this section –

(a) Day A is the day on which the complainant or applicant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the complainant or applicant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(3) In working out when a time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If a time limit set by a relevant provision would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) Where an employment tribunal has power under this Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section.”

13. Time limits for presenting claims are a jurisdictional issue (***Rodgers v Bodfari (Transport) Ltd 1973 325 NIRC***) and if a claim is out of time, the Tribunal must not hear it. The parties cannot agree to waive a time limit, so even if a respondent does not seek to argue that a claim is out of time, the Tribunal still has no jurisdiction to hear the claim if it is in fact out of time. The Court of Appeal in ***Radakovits v Abbey National plc [2010] IRLR 307*** confirmed that time limits go to jurisdiction and that jurisdiction cannot be conferred on the Tribunal by agreement or waiver, so that an employer's decision not to raise a time point will not bind the Tribunal.
14. The principle that a Tribunal cannot hear a claim that is out of time applies even where the respondent admits that the claim has merit. In ***Bewick v SGA Forecourts Ltd ET Case No.2501693/2014*** the respondent admitted that it owed holiday pay to the claimant. The claimant presented her claim nine days' late, however. The Tribunal concluded that it was reasonably practicable for her to have presented her claim in time, and that it therefore did not have jurisdiction to hear the claim.
15. In cases, such as this one, in which a question arises as to whether it was reasonably practicable for the claimant to present his claim on time, there are three general principles that fall to be considered –
 1. The question of reasonable practicability should be interpreted liberally in favour of the claimant;
 2. It is a question of fact as to whether it was reasonably practicable for the claimant to present his claim on time; and
 3. It is for the claimant to prove that it was not reasonably practicable for him to present his claim on time.
16. In ***Palmer and another v Southend-on-Sea Borough Council [1984] ICR 372***, the Court of Appeal concluded that 'reasonable practicable' does not mean 'reasonable' or 'physically possible', but rather 'reasonably feasible'.

Conclusions

17. The primary time limit for a complaint about the dismissal expired on 7 November 2025. The claimant did not issue his claim until 12 January 2026, more than two months later. He is not assisted by the period of ACAS Early Conciliation because he did not begin early conciliation until 11 November 2025, after the expiry of the primary time limit.
18. The extent of the delay in presenting the claim is significant as it is more than two months.
19. The reasons given by the claimant for the delay are twofold:

1. His health at the time; and
 2. An ignorance of the time limits.
20. The claimant told the Tribunal that between March and December 2025 he was in and out of hospital with gall bladder problems. He stayed in hospital for about five days four times, and on one occasion he was in hospital for eight days. That indicates that he was in hospital for 28 days over a nine month period. There was no evidence before me to suggest that the claimant was medically unable to issue a claim before 7 November 2025. The claimant was out of hospital more than he was in hospital during that period.
21. I accept the claimant's evidence that he was not aware of the time limits for presenting a claim to the Tribunal until he contacted ACAS in November 2025. That is a relevant factor which can justify an extension of time. I have to consider however whether the claimant's ignorance of the time limits was reasonable (***Perth and Kinross Council v Townsley EATS 0010/10***). In ***Bowden v Ministry of Justice and anor EAT 0018/17*** the EAT held that where a claimant said he was ignorant of his right to bring a claim, the Judge should consider whether this was in fact the case and whether the claimant's ignorance was reasonable. The relevant knowledge was that of the facts which could potentially give rise to the claim and of the existence of a legal right to bring a claim.
22. The claimant was aware of the facts giving rise to the claim by 8 August when he was dismissed. He was also aware of the existence of the right to claim unfair dismissal and had formed the intention to do so approximately two months after his dismissal.
23. The claimant told the Tribunal that he has been involved in other legal proceedings in which he has represented himself, and that he was considering taking legal proceedings from two months after he was dismissed. That was within the primary time limit. He also told the Tribunal that he did considerable legal research before issuing proceedings.
24. The claimant therefore knew the facts giving rise to the claim months before the expiry of the primary time limit. He did not know about the existence of time limits, but this lack of knowledge was not, in my view, reasonable. The existence of Employment Tribunals is generally well known, and time limits are easily ascertainable through a simple internet search.
25. The claimant also told the Tribunal that he was trying to resolve matters amicably before resorting to legal proceedings. I make no criticism whatsoever of the claimant for doing that, but unfortunately it does not 'stop the clock' running when it comes to time limits, or make it not reasonably practicable for him to present his claim in time.
26. The fact that the respondent had not defended the claim is, unfortunately for the claimant, not a relevant consideration. The fact that a claim has merit, as this claim appears to, does not confer jurisdiction on the Tribunal if the claim is presented out

of time.

27. The claimant is clearly an articulate individual, who was aware of his rights, able to conduct research into them, and who has represented himself previously in legal proceedings.
28. In the circumstances I find that it was reasonably practicable for the claim to have been presented in time.
29. The claim is therefore out of time and the Tribunal does not have jurisdiction to hear it.

Approved by:
Employment Judge Ayre
Date: 18 August 2026

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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