Neutral Citation Number: [2026] EAT 178

Case No: EA-2024-001410-LA

EMPLOYMENT APPEAL TRIBUNAL

Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 10 November 2026

Before:

THE HON. LORD FAIRLEY, PRESIDENT

- -

Between:

MR G WILLIAMS

Appellant

- and -

ASDA STORES LIMITED

Respondent

- -
- -

The **Appellant** in person
Mr P. Sangha, of Counsel, (instructed by **Addleshaw Goddard LLP**) for the **Respondent**

APPEAL FROM REGISTRAR'S ORDER

Hearing date: 10 November 2026

- -

JUDGMENT

SUMMARY

Practice and procedure; appeal against Registrar's Order; extension of time for presentation of appeal

In attempting to submit an appeal on the final day for doing so, the appellant made two errors. The first was to provide only a hyperlink to the T444 Notice of Appeal rather than a Word or PDF version of that document. That was a failure to comply with section 3.14.10 of the EAT Practice Direction. The second was to provide a PDF of a document that was not the Judgment and Reasons being appealed. The correct documents in the proper format were lodged 5 days after the deadline. The Registrar refused an application under rule 37 of the **Employment Appeal Tribunal Rules of 1993** to extend the time period to that date. On an appeal under rule 21 against the Registrar's Order:

Held:

(1) Neither of the mistakes made by the appellant was a "minor error" for the purposes of rule 37(5) of the Rules. The prohibition on the use of hyperlinks in section 3.14.10 of the EAT Practice Direction is important because hyperlinks pose significant cyber security risks. The Judgment under appeal was a core document under rule 3, and its omission could not be seen as a minor error (**Ms H Rogers v. Secretary of State for Justice** [2026] EAT 78 applied); but

(2) The appeal would be allowed and time extended in terms of rule 37(1). Although this was not a case where a good reason had been shown for the delay, that was not always an essential requirement. There were other relevant factors (listed at paragraph [23] of the reasons below) which led to the balance of justice favouring the granting of an extension of time for proper institution of the appeal.

Observed:

This decision should not be taken to establish a general precedent that either the use of hyperlinks to lodge core documents or a failure to provide a copy of the judgment and reasons appealed will be excused in other cases.

THE HON. LORD FAIRLEY, PRESIDENT

1. This is an appeal from a Registrar's order of 11 June 2025 refusing an extension of time within which properly to institute an appeal.

Facts

2. The case before the Employment Tribunal was a complaint of unfair dismissal. The appellant was then represented by a student from Bristol University law clinic. After hearing evidence and submissions over two days on 18 and 19 July 2024, the Tribunal (Employment Judge Murdoch, sitting alone) concluded that the complaint of unfair dismissal was not well-founded and dismissed it. Written reasons were requested and were provided on 19 September 2024.

3. The 42-day time limit for presentation of an appeal to this Tribunal ran from the date on which the written reasons were provided. The last day on which a timeous appeal could be instituted was, therefore, 31 October 2024.

4. The appellant explained to me today that his representative from Bristol University law clinic had tried to find a solicitor who would act for him on a "no win no fee" basis in his intended appeal. When that proved impossible, the representative phoned the Bristol Employment Tribunal on 30 October 2024 to ask about an extension of time for bringing the appeal. It appears that she may also have telephoned the Employment Appeal Tribunal on 30 October 2024 to inquire about that same point.

5. On 31 October 2024 she sent an email to the appellant timed at 13.37. The email read:

> Hi Gerald,
> Attached is the T444 form and the pdf file of the written reasons. Please send both of these documents to: londoneat@justice.gov.uk.
> Please use the subject line: Gerald Williams v ASDA Stores Limited (Case Reference number 1404110/2023) Appeal Application
> You may send the following email:
> To whom it may concern,
> I hope this email finds you well.
> I am Gerald Williams, the claimant in the case of Williams v ASDA Stores Limited that was conducted on 18-19 July, 2024. I received the written reasons on 19th September, and am making my formal appeal application within 42 days.
> Attached is the completed T444 Form and the copy of the written reasons.
> In the event any further documentation is required, please do let me know.

> Kind regards,
> Gerald Williams

That email is not within the papers provided to me for this hearing, but a copy of it seems to have been lodged by the appellant at or around the time that he lodged his Notice of Appeal, and is, therefore, on the EAT's electronic document management system. That copy of the email does not, however, show the attachments.

6. On 31 October 2024, at 3.08 pm, the appellant sent an email to the Employment Appeal Tribunal. His email had the subject line "Gerald Williams v ASDA Stores Limited (Case Reference number 1404110/2023) Appeal Application" and replicated exactly the text suggested by his representative. In oral submissions today, Mr Williams explained to me that he simply forwarded the entire content and attachments of the email he received from Bristol University law clinic to the EAT. I have no reason to doubt that.

7. There were, however, two problems with the appellant's email of 31 October to the EAT. First, it did not attach the Notice of Appeal (T444) as a Word or PDF document. Instead, it included a hyperlink to a docx file of the T444 in a web-based word processing facility called docs.google.com. It also attached a second hyperlink with the name "GeraldWilliams.docx". The second problem was that the email did not attach a copy of the Judgment and Reasons under appeal. The document attached to the email was, in fact, a PDF copy of a letter from the Tribunal dated 20 August 2024 intimating a refusal to provide reasons for an earlier decision in the case by a different Judge (EJ Ferguson) on 10 January 2023. That decision was to extend the time for presentation of the ET1 claim form by 1 day and was, therefore, wholly unrelated to the dismissal of the appellant's claim on its merits.

8. At the material time, section 3.14.10 of the EAT Practice Direction of 2024 stated:

> "Documents uploaded to the online secure portal or attached to emails should be in PDF format (or if that is not possible in a format which can be read by the computers used by the EAT - see guidance on the EAT section of the Courts and Tribunals Judiciary website) and clearly marked (Notice of Appeal, Respondent's Answer, Employment Tribunal Judgment, Application, ET1 Claim Form, ET3 Response etc). The EAT cannot receive encrypted files – any email with an encrypted file attached will be blocked. A document is **not** validly lodged by sending a link to its location (e.g. where it is saved in the Cloud)."

9. On 1 November 2024 (which was a Friday), the Registrar wrote to the appellant to advise him that his appeal had not been properly instituted. The Registrar's letter stated:

> "I refer to the above matter and a potential Notice of Appeal received at the Employment Appeal Tribunal. Initial checks show that certain key documents are missing and so the appeal is deemed to be not properly instituted.
>
> **Not Properly Instituted**
> The appeal has not been properly lodged in accordance with Rule 3(1) of the Employment Appeal Tribunal Rules (as amended). Also see Section 3.7. of the Employment Appeal Tribunal Practice Direction 2023. You have not served the following document(s):
>
> In the case of an appeal from a Judgment of an employment tribunal a notice of appeal, or substantially in, accordance with Form 1 to the EAT rules must include:
>
> 1) Employment Tribunal Judgment and Written Reasons for the Judgment.
> 2) EAT Appeal Form and Grounds of Appeal.
>
> The Email you have sent has links to documents. The appeal is not properly lodged if you send links to the documents. See T440 attached.
>
> Please send documents as attachments to an email."

10. The Registrar's letter of 1 November 2024 did not mention the fact that the PDF attached to the appellant's email of 31 October 2024 was not, in fact, of the Judgment and Reasons that he was trying to appeal.

11. On 1 November 2024, the appellant submitted a further document by email which purported to be the Judgment appealed. Again, however, this was the wrong document. The document submitted was the Judgment dated 10 January 2023 from Employment Judge Ferguson dealing with the extension of time to present his ET1.

12. On Tuesday 5 November 2024, the appellant had a meeting with a representative from an organisation called Wellspring who, I was told, work with Bristol University law clinic. The representative from Wellspring helped the appellant to identify the correct documents that he needed to lodge with the EAT. By e mail on 5 November 2024, the appellant submitted the correct Judgment and Reasons together with a PDF version of his Notice of Appeal. On that date the appeal was treated as properly instituted.

13. On 16 December 2024, after further correspondence with the Registrar, the appellant made an application under rule 37 of the EAT rules of 1993 for an extension of 5 days to 5 November 2024 of the period within which to bring his appeal.

Rules 3 and 37

14. So far as relevant to this appeal, rules 3 and 37 of the EAT rules of 1993 (as amended) state:

> **3** (1) Every appeal to the Appeal Tribunal shall…be instituted by serving on the Tribunal the following documents–
>
> (a) a notice of appeal in, or substantially in, accordance with Form 1, in the Schedule to these rules;…
>
> (c) in the case of an appeal from a judgment of an employment tribunal a copy of the written record of the judgment of the employment tribunal which is subject to appeal and the written reasons for the judgment
>
> **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.
>
> …
>
> (5) If the appellant makes a minor error in complying with the requirement under rule 3(1) to submit relevant documents to the Appeal Tribunal, and rectifies that error (on a request from the Appeal Tribunal or otherwise), the time prescribed for the institution of an appeal under rule 3 may be extended if it is considered just to do so having regard to all the circumstances, including the manner in which, and the timeliness with which, the error has been rectified and any prejudice to any respondent.

Submissions

15. The appellant's submissions today took the form of an explanation of the chronology of events that I have described above. He invited me to allow the appeal by exercising a discretion to extend the time for presentation of his appeal to 5 November 2024.

16. Counsel for the respondent assisted me by clarifying certain aspects of detail in the chronology. It was common ground that there had been two errors here. The first was in the use of a hyperlink to submit the T444. The second was in attaching the wrong decision to the email of 31 October 2024. Counsel submitted that neither of these was a "minor error" for the purposes of rule 37(5), and that I should not exercise a discretion under rule 37(1). The interest in finality of litigation outweighed the prejudice that the appellant would suffer by his proposed appeal not being the subject of any judicial determination.

Decision and reasons

17. In attempting to submit his appeal on 31 October 2024, the appellant made two errors. The first was in providing only a hyperlink to his T444 Notice of Appeal rather than a Word or PDF version of that document. That was a failure to comply with section 3.14.10 of the Practice Direction. The second error was in providing a PDF of a document that was not the Judgment and Reasons being appealed.

Rule 37(5) – "minor error"

18. I do not consider that the first of these errors was a "minor error" in terms of rule 37(5). The final sentence of section 3.14.10 of the Practice Direction clearly states that a document (which for these purposes includes a T444 Notice of Appeal) is **not** validly lodged by sending a link to its location. There is a very good reason for that rule. Hyperlinks pose significant cyber security risks. Malicious actors can use them for malign purposes including launching malware downloads. To avoid any risk of the IT systems used by the Employment Appeal Tribunal being compromised, administrative staff are instructed not to open hyperlinks on external emails. The appellant's attempt to lodge the T444 document in that way, in contravention of the Practice Direction, meant that it could not be opened without serious risk to the EAT's IT systems. In these circumstances, I have concluded that the use by the appellant of a hyperlink to his form T444 was an error, but it was not a minor error.

19. In relation to the second error, the facts of this case are markedly similar to those in **Ms H Rogers v. Secretary of State for Justice** [2026] EAT 78. In **Rogers**, a solicitor acting for the appellant mistakenly uploaded the covering letter from the Tribunal rather than the judgment under appeal. The error arose because the file name under which the solicitor had saved the covering letter was "judgment". HHJ Tayler considered that, since the judgment under appeal was a core document, the failure to provide it in those circumstances could not be considered to be a minor error. That same reasoning applies with equal force to this case, and is consistent with the approach taken by the EAT in **Hewer v. HCT Group** [2024] EAT 133 and **AB v. The University of East London** [2024] EAT 157 and by the Court of Appeal in **Mulumba v. Partners Group (UK) Ltd** [2026] ICR 516.

Rule 37(1)

20. I must, therefore, consider whether an extension of time should be granted under rule 37(1). The relevant principles are set out in **United Arab Emirates v. Abdelghafar** [1995]

ICR 65 and **Ridley v. HB Kirtley** [2025] ICR 441. The grant of an extension of time is a matter of judicial discretion, to be exercised in accordance with reason and justice, weighing all relevant factors. An extension is an indulgence and not a right. 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. The court must consider the explanation for the delay before deciding whether there are circumstances that justify the EAT taking the exceptional step of granting an extension of time. The EAT adopts a relatively strict approach to time limits. That said, the absence of a good excuse for the default is not necessarily fatal to the grant of an extension: **Jurkowska v. Hlmad Ltd** [2008] ICR 841; **Ridley** at paragraph 160 (ii)).

21. The appellant has provided a full and candid explanation for his failure to properly institute the appeal. Both errors were genuine mistakes. The reason for them was that he simply forwarded to the EAT everything he had been sent by his representative in the email from Bristol University law clinic on 31 October 2024.

22. It is clear that the appellant's intention was to submit both the T444 and the judgment and reasons on 31 October 2024. When his errors in doing so were identified, they were promptly rectified and an application was then made for an extension of time

23. Whilst I do not accept that this is a case in which a "good reason" for the default has been established, that is not an absolute requirement in every case. Other relevant factors here are that:

(i) the appellant tried to present the necessary documents within the 42-day time limit;
(ii) at least in relation to the Form T444, he did so in terms which complied with rule 3 of the EAT rules, but not with an important part of the Practice Direction;
(iii) the two mistakes that were made arose because the appellant simply forwarded everything he had been sent by the law clinic representative on 31 October 2024;
(iv) the Registrar's letter of 1 November 2024 did not mention the fact that the appellant had attached the wrong PDF to his email of 31 October;
(v) the appellant would be denied the opportunity to pursue his appeal if an extension were refused;
(vi) the delay before the errors were corrected was brief once properly identified;

(vii) there is no suggestion that the respondent's ability to respond to the appeal has been impaired; and

(viii) if the proposed appeal passes the sift under rule 3(7), the respondent will suffer no prejudice beyond having to respond to an appeal that has been found to be arguable.

24. Applying the guidance in **Abdelghafar**, as explained in **Ridley**, I am satisfied, in the particular circumstances of this case, that the balance of justice favours, if only marginally, the granting of an extension of time for proper institution of the appeal to 5 November 2024. For the avoidance of any doubt, however, this decision should not be taken to establish a general precedent that either the use of hyperlinks to lodge core documents or a failure to provide a copy of the judgment and reasons appealed will be excused in other cases. Further to emphasise that point, I will direct that a copy of this Judgment be produced in writing and uploaded to the EAT's Judgments webpage.

25. This appeal will now be sifted under rule 3 in the usual way. To minimise further delay, I will direct that the rule 3(7) sift stage be expedited.