

# New EAT Rules: Changes at the Employment Appeal Tribunal

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# What's occurring?

- Old EAT Rules – December 1993
- Old EAT Practice Direction – December 2018\*
- New EAT Rules / PD consultation
  - [Consultation paper – June 2023](#)
- New EAT Rules & PD – 30 September 2023
  - [Employment Appeal Tribunal \(Amendment\) Rules 2023](#)
  - [Practice Direction of the Employment Appeal Tribunal 2023](#)



# I got new Rules I count 'em

	Old	New
Rule 3	ET1 & ET3 must be included	Requirement removed
Rule 37	N/A	"Minor error" time extension
Schedules 1-6	N/A	Must read Practice Direction



# PD – Perfectly Decipherable

	Old	New
Basis of appeal	Error of law	Not an error – 6 examples May be an error – 9 examples
Page limit (grounds)	2 sides of A4*	1-5 sides of A4
Bias / procedural impropriety / no ET3	N/A	Statement of truth
Time limits	“Strict applied” – good excuse?	“Exceptional circumstances” – minor error?
Applications	No particular form	Annex 2 – prescribed detail Section 8 – examples
Bundles	Core / supplementary (50 pages)	Prescribed format (inc electronic guidance)
Registrar decision appeal	Full / Preliminary Hearing	“ARO” Hearing

# So what hasn't changed?

- 42-day deadline
- Bad excuses won't cut it (but better ones now might)
- Deadlines mean 4pm
- Liability of the lawyers?



# What does it all mean for my appeal?

- Keep it simple – note the page limit
- No nitpicking – Judgment must be read as a whole
- Isn't this just a perversity ground?
- Don't be Meeky – you know what they meant
- Don't be afraid of the sift, but consider the comments
- Follow the PD carefully – use the forms and remember statements of truth
- What about disposal – same Judge, same outcome?



# Finally....

- Supreme Court decision on Holiday Pay – finally overrules Bear Scotland on “series” of deductions being broken by 3-month gap:
  - [Chief Constable of Police Service v Agnew \[2023\] UKSC 33](#)

