GUIDANCE NOTE: LATE FILIING OF TRIBUNAL CLAIMS

The time-limit for issuing a claim in the Tribunal depends on the type of claim which you are issuing. In most cases (including unfair dismissal and discrimination claims) the Tribunal must receive your claim form <u>within</u> 8 weeks from termination of employment or from the last act of discrimination. This means that if the last day of employment is a Friday the last day for filing a claim of unfair dismissal will fall on a Thursday.

The Tribunal enforces these time-limits very strictly and if the Tribunal does not receive your claim within the relevant time-limit, it will only be where it was not reasonably practicable for you to file in time that it will accept your claim. It is therefore important that you ensure that the Tribunal receives your claim before the relevant time-limit expires or you risk your claim being rejected.

If you are unsure about the relevant time-limits for your claim/s, you should take advice as soon as possible.

If you file a claim outside the relevant time limit you must explain on the Claim Form why it was not reasonably practicable for you to file the claim in time.

Your request for an extension of time will be considered by a Chair who may ask for more information. If the Chair considers that there is a possible basis for extending time the claim will be admitted so that the Respondent can have an opportunity to provide comment and information on your application.

If the Chair decides that there is no possible basis for extending time the claim will be rejected. If a Claim Form contains claims that are in time and claims that are out of time only those that are out of time will be rejected.

If a claim is rejected you will be informed of your right to apply for a reconsideration of the rejection decision. The Claim Form will not be sent to the Respondent until the reconsideration process for any rejected claims has been completed.

For more information on the reconsideration process see the Guidance Note on Rejected Pleadings.

Article 76 – Employment (Jersey) Law 2003

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