**<<cs\_t\_Scot\_18>>**

**<<## 18 Acknowledgment of Employer’s contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<respondent\_full\_name>>  <<respondent\_addressUK>>  <<respondent\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<respondent\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**ACKNOWLEDGMENT OF EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

I note you have included in your response an employer’s contract claim. This has been accepted and you should quote the case number shown above in future correspondence relating to this employer’s contract claim.

I have notified the claimant of your employer’s contract claim and will send a copy of any response to you. Should the claim result in a hearing, the original claim and the employer’s contract claim will be heard together.

I have sent a copy of your response to the Advisory Conciliation and Arbitration Service (Acas).

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_19 >>**

**<<## 19 Rejection of contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<respondent\_full\_name>>  <<respondent\_addressUK>>  <<respondent\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<respondent\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir/Madam,

**Rejection of EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

Your application to make an employer’s contract claim has been referred to Employment Judge (insert name).

It appears to the Employment Judge that the Tribunal cannot consider your employer’s contract claim. This is because: [*delete as necessary*]

1. It was not made as part of your response as required by Rule 23.
2. The Employment Tribunal does not have jurisdiction because (*delete as appropriate*)

* Article 4 of the Employment Tribunals (Extension of Jurisdiction)(Scotland) Order 1994 only allows such a claim where the employee has brought a claim for breach of contract. The claimant has not brought a breach of contract claim.
* The claim does not arise out of a contract which you had with the claimant.
* Although the claimant alleges a breach of a term of contract, namely *[insert term]*, Article 5 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994 excludes terms of this type from the jurisdiction of the Tribunal and therefore it cannot be the basis for an employer’s contract claim.

3 The Employment Judge considers that your employer’s contract claim is in a form that cannot sensibly be responded to or is otherwise an abuse of the process. *(insert reasons provided by EJ)*

You have the right to apply for a reconsideration of this decision. If you wish to do so you must apply in writing within 14 days of the date of this letter quoting the above pre-acceptance number. You must explain why you believe the decision to reject your employer’s contract claim is wrong or rectify the identified defect. You should say if you wish a hearing to consider your application for reconsideration.

If you believe that the decision not to accept your claim is wrong in law, you may also appeal to the Employment Appeal Tribunal provided you do so in writing within 42 days of the date of this letter.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_19.A >>**

**<<## 19.A Reconsideration of decision to reject employer’s contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<respondent\_rep\_full\_name>>  <<respondent\_rep\_addressUK>>  <<respondent\_rep\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<respondent\_rep\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir/Madam

**RECONSIDERATION OF DECISION TO REJECT EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

I refer to the respondent’s application dated for a reconsideration of the decision to reject the employer’s contract claim.

Employment Judge *[insert name]* has reconsidered the decision without a hearing and has confirmed the decision to reject the employer’s contract claim for the reasons previously given / for the following reasons *(delete as appropriate):*

(Insert reasons as directed by EJ).

*OR*

Employment Judge *[insert name]* has reconsidered the decision without a hearing and has decided that the employer’s contract claim can be accepted.

*OR*

Employment Judge [*insert name*] having reconsidered the decision has decided that the rejected part of the employer’s contract claim can be accepted only as follows: [*insert details*]. The employer’s contract claim is treated as being amended accordingly

*[insert this sentence only where there was a defect that has been rectified]*

The employer’s contract claim will be treated as presented as at [*insert date of application for reconsideration]*

*(Otherwise insert)*

The employer’s contract claim will be treated as presented at *(insert date of original presentation*)

The employer’s contract claim will now be referred for further directions. **The claimant is not required to respond to the employer’s contract claim at this stage.**

The tribunal will contact the parties with further information in due course.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_20 >>**

**<<## 20 Notice of employer’s contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**NOTICE OF EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

1. Please note that in its response, the respondent has made an employer’s contract claim against you. You should quote the case number shown above in future correspondence relating to this employer’s contract claim.

1. If you wish to respond to this employer’s contract claim, your response must be presented to the tribunal office by (*insert date 28 days of date of notice*).
2. You may apply for an extension of time to submit a response to the contract claim. If you wish to do so, you must make your application in writing and copy it to the respondent. In your application for an extension of time, you must

* Confirm that you have copied the application to the respondent
* Set out the reason why an extension of time is sought
* If the application is being made after the [*insert date 28 days of date of notice*], you must also enclose a draft of your proposed response to the employer’s contract claim or explain why that is not possible.

If you wish a hearing to consider your application for an extension of time you should say so when making the application.

4 **If you do not submit a response in time and no extension is granted by an Employment Judge, a judgment may be issued against you in respect of the employer’s contract claim without a hearing.**

5 Should your claim result in a hearing, the original claim and the employer’s contract claim will be heard together. Please note that even if your claim is subsequently withdrawn, the employer’s contract claim will continue unless it is also withdrawn by the respondent.

6 Employment Judge (*name)* has directed that:

* The case remains listed for the date already notified.
* The hearing is cancelled.
* The case will now be heard on ( )
* You will be sent a notice of hearing in due course
* *(Other directions form EJ referral)*

7. If you have named a representative on the original claim form, we will send all communications about the employer's contract claim to that representative, unless you notify us otherwise.

8 A copy of the response has been sent to the Advisory Conciliation and Arbitration Service (Acas).

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_21 >>**

**<<## 21 Acknowledgment of response to contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**ACKNOWLEDGMENT OF RESPONSE TO EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

Your response to the employer’s contract claim has been received and copied to the respondent.

The employer’s contract claim will now proceed as defended and will be referred to an Employment Judge for initial consideration together with your claim and response.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_22 >>**

**<<## 22 Notice of response to contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**NOTICE OF RESPONSE TO EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

The enclosed response to your employer’s contract claim has been received.

Your employer’s contract claim and the response will now be referred to an Employment Judge for initial consideration together with the claim and response.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_23 >>**

**<<## 23 Rejection of response to contract claim ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**REJECTION OF RESPONSE TO EMPLOYER’S CONTRACT CLAIM**

**Employment Tribunals Rules of Procedure 2013**

Your response to the employer’s contract claim has been rejected as it was not presented within 28 days of the date that the response containing the contract claim was sent to you and no extension of time was granted to you by an Employment Judge.

You may make an application for this decision to be varied, suspended or set aside. Your application should set out the reason why you say that the decision should be varied or set aside. **You must confirm when making such an application that you have copied it to the other party(ies) and notified them that they should notify the Tribunal of any objections to the application as soon as possible.**

If you believe that the decision not to accept your response is wrong in law, you may also appeal to the Employment Appeal Tribunal as long as you do so within 42 days of the date of this letter.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_24 >>**

**<<## 24 Response to contract claim extension of time granted ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**EXTENSION OF TIME FOR RESPONSE TO EMPLOYER’S CONTRACT CLAIM GRANTED**

**Employment Tribunals Rules of Procedure 2013**

Employment Judge (insert Judge’s name) has granted the claimant’s application to extend the time within which to present a response to the employer’s contract claim until [insert specific date from Employment Judge referral].

(only where judgment has been issued under Rule 21) The judgment under Rule 21 issued on (insert date) is set aside.

(If response was enclosed with application insert all of the remaining paragraphs. Otherwise delete all of them)

Your response to the employer’s contract claim has been accepted. The file will now be considered by an Employment Judge with a view to confirming that there are arguable complaints and defences within the jurisdiction of the Tribunal. You will be notified of further procedure and any case management orders in due course. You may be required to provide further information.

**If you have already been given notice of a preliminary or final hearing, you should assume that will take place unless you hear from us to the contrary.**

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else>>**

**<<## 25 Refusal of extension of time to submit response to contract claim##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

**EXTENSION OF TIME FOR RESPONSE TO CONTRACT CLAIM REFUSED**

**Employment Tribunals Rules of Procedure 2013**

I refer to your letter of [insert date of letter].

Your application for an extension of time within which to present your response to the employer’s contract claim has been refused by Employment Judge *(name)* for the following reasons: [*delete as appropriate*]

* The application did not state that you had copied the application to the respondent
* The application did not set out the reason why the extension was sought
* (*only where time has already expired*,) You did not include a draft of the proposed response or an explanation of why that was not possible
* [insert any other reasons from Employment Judge referral]

*(If date for response to contract claim has not passed insert this paragraph)*

Please note that your response to the employer’s contract claim must be presented by the date given previously that is [insert original date by which response must be returned].

*(if the date for response to contract claim as passed insert this paragraph)*

The employer’s contract claim will proceed as undefended. The tribunal will contact the parties with further information in due course.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<es\_>>**