



TRIBUNALS  
JUDICIARY

**JUDGE SIMON**  
PRESIDENT  
EMPLOYMENT TRIBUNALS (SCOTLAND)



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**JUDGE CLARKE**  
PRESIDENT  
EMPLOYMENT TRIBUNALS (ENGLAND & WALES)

### **Presidential Practice Direction – Electronic Signatures**

1. Regulation 11 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (hereafter “the Regulations”) allows each President to make Practice Directions about the procedure of Employment Tribunals in the area for which the President is responsible. This Practice Direction is made by each President in accordance with that Regulation.
2. Rule 1(1) of the Employment Tribunals Rules of Procedure (as set out in Schedule 1 of the Regulations) (hereafter “the Rules”) states as follows:

“writing” includes writing delivered by means of electronic communication’

3. Rule 61 is in the following terms:

#### **61 Decisions made at or following a hearing**

- (1) Where there is a hearing the Tribunal may either announce its decision in relation to any issue at the hearing or reserve it to be sent to the parties as soon as practicable in writing.
  - (2) If the decision is announced at the hearing, a written record (in the form of a judgment if appropriate) shall be provided to the parties (and, where the proceedings were referred to the Tribunal by a court, to that court) as soon as practicable. (Decisions concerned only with the conduct of a hearing need not be identified in the record of that hearing unless a party requests that a specific decision is so recorded.)
  - (3) The written record shall be signed by the Employment Judge.
4. Rule 62 specifies that written reasons for a decision “shall be signed by the Employment Judge”.
  5. Rule 63 makes provision for specified individuals to sign the written record or reasons, in the absence of the Employment Judge, for the reasons identified in the rule.
  6. Regulation 10B(3) of the Regulations identifies the matters that, subject to being authorised by a Practice Direction of the Senior President of Tribunals, may be determined by a legal officer.

## **Methods of signing documents by an Employment Judge or a legal officer, delivered by electronic communication**

7. A document of the type described in rules 61 and 62, or any other document which is, in accordance with the Rules or the practice of the tribunal signed by an Employment Judge (or, where duly authorised, by a legal officer), and which is delivered by means of electronic communication, shall be treated as properly signed and authorised if it bears:
  - (1) an electronic facsimile of the Employment Judge's handwritten signature (or, in respect of a matter where a legal officer is authorised to act, an electronic facsimile of the legal officer's handwritten signature) or
  - (2) the Employment Judge's name typed at the end of the document, in the format 'Employment Judge [surname]' or 'Employment Judge [first name initial(s) and surname]' (or, in respect of a matter where a legal officer is authorised to act, the legal officer's name typed at the end of the document, in the format '[name], Legal Officer').
  
8. A document which is signed in the absence of the Employment Judge, under the provisions of Rule 63, and which is delivered by electronic means, shall be treated as signed and authorised by any of the individual(s) specified in that Rule if it bears:
  - (1) an electronic facsimile of the handwritten signature(s) or
  - (2) the name of the individual(s) typed at the end of the document in the format 'Tribunal Member [surname or first name initial (s) and surname]' or 'Judge [surname], President' or Judge [surname], Vice President' or Judge [surname], Regional Employment Judge.
  
9. This Practice Direction has effect from 13 December 2021. It replaces the Practice Direction on Electronic Signatures dated 1 May 2020.



JUDGE SHONA SIMON  
PRESIDENT (SCOTLAND)



JUDGE BARRY CLARKE  
PRESIDENT (ENGLAND & WALES)