



Employment Appeal Tribunal

EAT Practice in relation to Familiar Authorities

Certain key authorities (important court cases) have in the past been frequently included in the Bundles of Authorities prepared by parties for hearings at the EAT and regularly cited to the Appeal Tribunal.

As explained in the EAT President's **Practice Statement** of 17 April 2012 the Appeal Tribunal has adopted a new arrangement in relation to those frequently cited cases:

"A number of familiar authorities are so frequently cited to the Appeal Tribunal that sufficient copies of those authorities for any hearing will be maintained at the Tribunal in every court. This will avoid unnecessary work for the parties, and avoid overuse of paper and copying resources.

A list of such cases will be maintained on the website of the Appeal Tribunal, and any case on the list should not be photocopied. It may be relied on if necessary in argument before the Appeal Tribunal (which may refer to the maintained copy), and if so it will be sufficient for the party relying upon it to identify the principle contended for, or said to be inapplicable, by reference to the paragraph number(s) of the report."

Pursuant to that Statement, each EAT courtroom (in London and Edinburgh) is now supplied with sufficient copies of a *Bundle of Familiar Authorities* for use by each member of any Appeal Tribunal which is sitting.

The **Contents List** of those Bundles is attached.

Parties and their advisers should check the Contents List before assembling their own Bundles of Authorities and the cases shown in the Contents List should not be included in parties' bundles for hearings taking place from 25 June 2012 onwards.

Two particular points should be noted:

- (1) the cases included in the Contents List are kept under review and the Appeal Tribunal expects to revise the Contents List from time to time. Parties and their advisers should always check this webpage for the current version before assembling their own bundles: and
- (2) the cases included appear in the form of report available at the time of assembly of the bundles. Where cases have been reported in more than one source, a report has been selected which reflects paragraph 6 of the Practice Direction issued by the Lord Chief Justice on 23 March 2012 addressing Citation of Authorities.

Familiar Authorities Bundle**CONTENTS***Amendment (notice of appeal – whether to grant)*

1. **Khudados v Leggate** [2005] ICR 1013, EAT
2. **Readman v Devon Primary Care Trust** [2011] UKEAT 0116/11, EAT

Bias (allegations – EAT procedure)

3. **Facey v Midas Retail Security** [2001] ICR 287, EAT

Bias (test for)

4. **Porter v Magill** [2002] 2 AC 357, HL

Deciding a case on ground not argued

5. **Chapman v Simon** [1994] IRLR 124, CA

Error of law (jurisdiction of EAT)

6. **British Telecommunications plc v Sheridan** [1990] IRLR 27, CA
7. **Brent London Borough Council v Fuller** [2011] ICR 806, CA

New points of law (taken for first time at the EAT)

8. **Kumchyk v Derby City Council** [1978] ICR 1116, EAT
9. **Jones v Governing Body of Burdett Coutts School** [1999] ICR 38, CA
10. **Glennie v Independent Magazines (UK) Ltd** [1999] IRLR 719, CA
11. **Secretary of State for Health v Rance** [2007] IRLR 665, EAT

New points (taken for first time during an employment tribunal hearing)

12. **Ladbrokes Racing Ltd v Traynor** UKEATS 0067/06, EAT

Perversity

13. **Yeboah v Crofton** [2002] IRLR 634, CA

Polkey

14. **Polkey v A.E. Dayton Services Ltd** [1988] 1 AC 344, HL

Reasons (duty to give)

15. **Meek v City of Birmingham District Council** [1987] IRLR 250, CA
16. **English v Emery Reimbold & Strick Ltd** [2002] 1 WLR 2409, CA
17. **Greenwood v NWF Retail** [2011] ICR 896, EAT

Reasons (EAT power to ask for further reasons)

18. **Barke v SEETEC Business Technology Centre Ltd** [2005] IRLR 633, CA

Remission (whether obliged to remit)

19. **Jafri v Lincoln College** [2014] ICR 920, CA

Remission (whether to the same or differently-constituted Tribunal)

20. **Sinclair Roche & Temperley v Heard** [2004] IRLR 763, EAT

Time Limits (whether to grant an extension of time for appealing)

21. **United Arab Emirates v Abdelghafar** [1995] ICR 65, EAT
22. **Aziz v Bethnal Green City Challenge Co Ltd** [2000] IRLR 111, CA
23. **Jurkowska v HLMAD Ltd** [2008] ICR 841, CA
24. **Muschett v London Borough of Hounslow** [2009] ICR 424, EAT

Striking-out (exercise of employment tribunal's powers)

25. **Tayside Public Transport Co Ltd v Reilly** [2012] CSIH 46, CS