



THE EMPLOYMENT TRIBUNAL

Claimant

Ms KPK Puthenveetil

Respondent

Mr S Alexander (1) & Ms RJ George (2)

JUDGMENT ON APPLICATION FOR RECONSIDERATION

Having considered the Claimant's application dated 23 February 2017 for reconsideration of the judgment sent to the parties on 11 February 2017 and the Respondent's comments dated 28 March 2017, the application is refused.

REASONS

1. The tribunal has no jurisdiction to disapply Regulation 2(2) of the National Minimum Wage Regulations 1999 (the Regulation) and it is unlikely that the Regulation can be read in such a way as to resolve any compatibility issues with European law.
2. Regardless of any agreement or understanding the parties had regarding further submissions, by virtue of section 4(5) Human Rights Act 1998, the Employment Tribunal is not the appropriate forum to challenge the lawfulness of the Regulation as it has no jurisdiction to make a declaration of incompatibility.
3. For these reasons, there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Balogun
Date: 4 May 2017