



EMPLOYMENT TRIBUNALS

Claimant: Mr A Lugard

Respondent: Key Care and Support Limited

Heard at: Manchester

On: 8 April 2019

Before: Employment Judge Sherratt

REPRESENTATION:

Claimant: Written Representations

Respondent: Mr B Inglis, Legal Advocate

JUDGMENT

The judgment of the Tribunal is that the claimant's claim is dismissed. The Tribunal cannot consider the claimant's complaint brought under section 23 of the Employment Rights Act 1996 as it relates to a deduction where the date of payment of the wages from which the deduction was allegedly made was before the period of two years ending with the date of presentation of the complaint.

REASONS

1. The claimant's complaint, presented on 29 October 2018, relates to deductions allegedly made in 2009/2010, with the claimant stating that at the time his leave to remain and work in this country had expired. He brought the application in 2018 because his circumstances had changed as he had recently been granted leave to remain.

2. This hearing was listed to consider whether or not the claim should be allowed to proceed out of time, and to consider whether to accept the respondent's response out of time.

3. On reviewing the claim it seemed to me that the Tribunal did not have jurisdiction to deal with it on the basis of section 23(4A) of the Employment Rights

Act 1996, which was inserted by the Deduction from Wages (Limitation) Regulations 2014 in relation to complaints presented to an Employment Tribunal on or after 1 July 2015.

4. In my judgment this takes away the Tribunal's jurisdiction to consider the claimant's complaint presented in October 2018 in respect of an alleged 2010 deduction and so it is dismissed.

5. The respondent's response is allowed.

Employment Judge Sherratt

Date: 8 April 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

25 April 2019

FOR THE TRIBUNAL OFFICE

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