



EMPLOYMENT TRIBUNALS

Claimant: Ms Kirsty Blake

Respondent: Mrs Sarah Please (Deceased)

Heard at: Bristol Employment Tribunal (by video-CVP)

On: 1 October 2021

Before: Employment Judge Millard

Representation

Claimant: In person

Respondent: Ian Roger Please (Husband)

JUDGMENT having been sent to the parties on 1 October 2021 and written reasons having been requested in accordance with rule 62 (3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

Introduction

1. These written reasons are provided at the request of the claimant, Ms Blake.
2. These written reasons should be read in conjunction with the judgment of 1 October 2021.
3. I would like to start these written reasons by saying that I recognise that this was a difficult case for both Ms Blake and Mr Please. Ms Blake was bringing her claim without the benefit of legal representation and tragically whilst these proceedings were awaiting this hearing, Mrs Please had died. Mr Please therefore appeared at the hearing on her behalf.

Hearing

4. The hearing was conducted via the CVP video platform on Friday 1 October 2021 with both Ms Blake and Mr Please appearing by CVP video.
5. Mr Please attended the hearing on behalf of his wife who had died on 26 May 2021. Mr Please emailed the Court a copy of Mrs Sarah Please' death certificate. He confirmed on oath that this was a true copy and that his wife had died on 26 May 2021.

Claim

6. As per Ms Blake's claim form, her claim was for unlawful deduction of wages under s.13 Employment Rights Act 1996.
7. The Employment Judge confirmed with Ms Blake at the start of the hearing that her claim was for unlawful deduction of wages and that Mrs Please was her employer. Ms Blake confirmed that this was correct.
8. The Employment Judge also confirmed with Ms Blake that she was not bringing a breach of contract claim.

The Law

9. S.206(1) Employment Rights Act 1996, sets out where proceedings may continue when an employer has died. S.206 says,

*Where an employer has died, any tribunal proceedings arising under any of the provisions of this Act **to which this section applies** may be defended by a personal representative of the deceased employer.*

[Emphasis added]

10. If s.206(1) does not apply, then a claim cannot continue.
11. The claims to which s.206(1) applies are set out in s.206(2). Specifically, the following parts of the Employment Rights Act 2006,
 - a) *Part 1, so far as it relates to itemised pay statements,*
 - b) *Part 3,*
 - c) *Part 5*
 - d) *Part 6, apart from sections 58 to 60*
 - e) *Parts 7 and 8,*
 - f) *In Part 9, sections 92 and 93, and*
 - g) *Parts 10 to 12*
12. S.206(1), the continuation of proceedings after the death of the employer, does not cover claims arising under part 2 of the Act.
13. A claim for unlawful deduction of wages under s.13 of the Act falls within Part 2 of the Act. It therefore does not fall within the scope of s.206(1) and cannot continue following the death of the employer.

Conclusions

14. For the above reasons, as s.206(1) does not apply to a claim for unlawful deduction of wages under s.13 of the Act, Ms Blake's claim was dismissed on the death of the respondent, Mrs Please.

Case No: 1403548/2020 (V-VHS)

Employment Judge Millard
Date: 19 November 2021

Reasons sent to parties: 9 December 2021

FOR THE TRIBUNAL OFFICE