Case Number: 3305472/2022

EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Ms P Onyia	v	(1) Town of Richmond Hill (2) Teranet

Heard at: Watford, via Cloud Video Platform **On**: 2 August 2024

Before: Employment Judge Hyams, sitting alone

Representation:

For the claimant:	In person
For the first respondent:	Not present and not represented
For the second respondent:	Mr Chris Bracebridge, solicitor

JUDGMENT

All claims made in this case are struck out against both respondents.

REASONS

1 At the start of the hearing of 2 August 2024, I asked the claimant whether it was correct that her claims made in these proceedings were about employment of her by two respondents, both of whom were based in Canada, to do work in Canada, which she did in Canada since she was at the time of the employments living in Canada. She said that that was correct.

2 In fact, the claims were made about employment with the first respondent which had ended on 14 January 2013 and employment with the (apparently unconnected) second respondent which had ended on 10 March 2015. The ET1 claim form was presented on 13 May 2022, so the claims were both made long out of time. However, those factors were immaterial if the claims were on any view outside the jurisdiction of the Employment Tribunals in Great Britain because they concerned employment outside Great Britain and there was nothing, applying *Lawson v Serco Ltd* [2006] ICR 250, *Duncombe v Secretary of State for Children Schools and Families (No 2)* [2011] UKSC 36, [2011] ICR

1312, and *Ravat v Halliburton Manufacturing and Services Ltd* [2012] UKSC 1, [2012] ICR 389, which brought the claims within the jurisdiction of those tribunals.

3 I could see nothing stated in the ET1 claim form or elsewhere which brought the claims within the jurisdiction of the Employment Tribunals in Great Britain, and I said that to the claimant. I referred to the decision of the House of Lords in *Lawson v Serco* and the claimant said that I could not take it into account because she had not been sent a copy of it before the hearing took place. I said that the decision was an essential part of the law which I had to apply, which was in the form of both statutory provisions and binding decisions of appellate courts.

4 I had been sent a number of documents and emails in advance of the hearing. In an email dated 17 June 2022, the claimant wrote this:

> "[M]y opinion is the United Kingdom has jurisdiction because I am a British subject who was employed in Canada. Canada is one of the Commonwealth of Nations. I was employed and served whilst in Canada not just as a British Citizen and subject, I was also employed in my professional capacity as a member of The Royal Town Planning Institute. A copy of my passport was required for my employment which clearly shows proof of citizenship. Therefore, both employers were fully aware of this when I was employed. These are the reasons why the UK Employment Tribunal has jurisdiction in this matter."

5 Those factors in my judgment did not bring the claims within the jurisdiction of the Employment Tribunal.

6 The claimant was informed in a letter of 9 May 2023 from the tribunal that "the Tribunal may in fact have no jurisdiction to consider your claim if you were employed outside Great Britain".

7 During the hearing of 2 August 2024, the claimant said nothing which suggested that there was any reason to think that her claims were within the jurisdiction of the Employment Tribunals in Great Britain.

8 There was a notice of the hearing of 2 August 2024 stating that the claim might be dismissed at that hearing for one or more of four possible reasons, the first of which was that "The employment tribunals of England and Wales have no jurisdiction to determine the claim as the claimant was employed by the respondent outside Great Britain." That notice was, however, dated 31 July 2024. As a result, the requirements of rule 54 of the Employment Tribunals Rules of Procedure 2013 were not met. That did not occur to me until I was writing these reasons.

9 However, it seemed to me to be an inescapable conclusion that, applying *Lawson v Serco Ltd* [2006] ICR 250, *Duncombe v Secretary of State for Children Schools and Families (No 2)* [2011] UKSC 36, [2011] ICR 1312, and *Ravat v Halliburton Manufacturing and Services Ltd* [2012] UKSC 1, [2012] ICR 389, the claim was outside the jurisdiction of the tribunal. I therefore concluded that I should strike out the claims on the basis that if the claimant is able to say anything which casts reasonable doubt on the correctness of that conclusion then she may apply for a reconsideration of this judgment under rules 70 and 71 of the Employment Tribunals Rules of Procedure 2013, which are in the following terms.

> ‘**70. Principles**
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> A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.
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> **71. Application**
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> Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.’

10 I record here for the avoidance of doubt that if such an application is made then I will be obliged to refuse it under rule 72 if I consider that “there is no reasonable prospect of the original decision being varied or revoked”.

Employment Judge Hyams
Date: 5 August 2024

Sent to the parties on:

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For Secretary of the Tribunals