



EMPLOYMENT TRIBUNALS

Claimant

Mrs M Mulholland

v

Respondent

Barclays Bank plc

PRELIMINARY HEARING

Determined on papers

By: Employment Judge Skehan

JUDGMENT

1. The claimant's claim for breach of contract is struck out.

REASONS

At a preliminary hearing on 19/03/2018 the employment tribunal did not consider any application for strike out of the claims brought under the heading of 'breach of contract' as the appellant had not been given notice that any such application would be considered at the hearing. However, the tribunal noted that as the claimant's employment was ongoing, the employment tribunal did not appear have jurisdiction to hear any claim for breach of contract. In light of these observations, it was ordered that the claimant had until 3 April 2018 to present written representations to the employment tribunal explaining why the breach of contract claim should not be dismissed. The respondent had a further 7 days until 10 April 2018 to make any representations to the Tribunal.

1. The parties submitted written representations in accordance with the above timetable and those representations were considered carefully, are a matter of record and not repeated herein. It is noted however that the claimant's representations did not deal with the matter of jurisdiction of the employment tribunal.
2. The contractual jurisdiction of employment tribunals is governed by: Section 3 of the Employment Tribunals Act 1996 (ETA 1996) and The Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 (SI 1994/1623) (Extension of Jurisdiction Order 1994).
3. For an Employment tribunal to hear a contractual claim brought by an employee, the claim must, amongst other criteria, arise or be outstanding on the termination of the employment of

the employee in question. This is a case where the claimant's employment is ongoing and for this reason, the employment tribunal does not have jurisdiction to consider a complaint of breach of contract and this particular claim for breach of contract is struck out.

Employment Judge Skehan

Date: 24 May 2018

Sent to the parties on:

.....24.05.18.....

For the Tribunal:

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