

EMPLOYMENT TRIBUNALS (SCOTLAND)

**Case No: S/4105296/2016 and Others
(As per attached Schedule)**

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Employment Judge: Lucy Wiseman

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**Mr T Somerville and Others
Claimants
(See attached list)**

Claimants

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Bathgate Realisations Plant Ltd

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

20 The Tribunal decided, on its own initiative in terms of Rule 70 Employment
Tribunals (Constitution and Rules of Procedure) Regulations 2013, to reconsider
the Judgment dated 10 May 2017 and to vary the decision so that the respondent
is ordered to pay to all employees made redundant on the 19 or 20 July 2016,
remuneration for the protected period which began on the 19 or 20 July 2016 for a
25 period of 90 days.

REASONS

1. The Judgment dated 10 May 2017 was issued in terms of Rule 21 of the
Employment Tribunal Rules of Procedure (above) in circumstances where
30 the respondent did not enter a response and the Joint Administrator
confirmed he did not intend to defend the claim.

2. The claimants' representative advised the Tribunal, by letter of 3 July 2017,
that an issue had arisen regarding the date of individual redundancies. The
35 claimants' representative obtained a letter from Ms Susan Davidson,
Manager with FRP Advisory LLP (the firm of the Joint Administrator)
confirming the Administrators had been appointed late in the afternoon of 19

July 2016. Accordingly, due to the timing of the appointment, all redundancies could not officially be made on that day.

- 5 3. Ms Davidson confirmed that a letter of redundancy was issued to employees on 20 July 2016. She noted that some employees had stated other leaving dates on their claim forms and observed that these dates were incorrect because the same letter of redundancy was issued to all employees on 20 July 2016.
- 10 4. I decided, given the information which is now available, that it would be in the interests of justice to reconsider the Judgment dated 10 May 2017, and to vary the date of redundancy from 19 July 2016, to 19 or 20 July 2016; and to vary the start of the protected period from 19 July 2016 to 19 or 20 July 2016.

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Employment Judge: Lucy Wiseman

Date of judgment: 18 August 2017

Entered in register and copied to parties: 21 August 2017