



EMPLOYMENT TRIBUNALS

Claimant: Miss A Singleton

Respondent: iPro Sport Distribution Ltd

HELD AT: Manchester

ON: 1 September 2017

BEFORE: Employment Judge Tom Ryan

REPRESENTATION:

Claimant: In person

Respondent: No attendance

JUDGMENT ON RECONSIDERATION

The judgment of the Tribunal is that:

1. The judgment sent to the parties on 11 April 2017 (as subsequently corrected by certificate dated 16 May 2017) is reconsidered on the application of the respondent and varied as follows:
 - 1.1. The title of the respondent in these proceedings is amended as shown above.
 - 1.2. The order that the respondent pay the claimant's costs as reimbursement of fees paid to the tribunal is revoked.
 - 1.3. In consequence the total sum payable under the judgment is varied to £7323.10.
 - 1.4. The date by which payment of that sum shall be made is varied to 8 September 2017.

REASONS

1. Judgment in these proceedings was given in favour of the claimant under rule 21 of the Employment Tribunals Rules of Procedure 2013 when the respondent, then named as iPro Sport Corporation Ltd, failed to present a response.
2. Subsequently, an application was made for a reconsideration of the judgment on the ground that the respondent did not accept it was liable to the claimant. As part of that application it was stated on behalf of the respondent that the claimant worked for iPro Sport Distribution Ltd.
3. There was a delay in listing this hearing due to the failure of the respondent to pay the fee then prescribed for an application for reconsideration.
4. Before any further decision was made in **R (on the application of UNISON) v Lord Chancellor** [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances I shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.
5. I therefore directed that this hearing be listed. The claimant attended but the respondent did not.
6. In those circumstances I did not consider it appropriate to vary the substance of the judgment on liability or remedy. There was no material information from the respondent upon which I could consider doing so.
7. I did consider it appropriate to raise with the claimant the possibility of amending the title of the respondent. She told me that she had not been given a contract of employment when she worked for the respondent but she had received payslips from iPro Sport Distribution Ltd whilst employed. Since that accorded with the respondent's assertion the claimant agreed that the judgment should be given against that company.
8. As part of the original judgment I had ordered the respondent to reimburse the claimant's tribunal fees. In my judgment it was in the interests of justice to revoke that part of the judgment. Arrangements are being put in place to enable claimants to apply to HMCTS for reimbursement of fees.
9. Finally, since I had varied the name of the respondent I considered it appropriate to set a revised date for payment of the judgment sum. Having regard to the passage of time I have ordered payment within seven days of the date of this hearing.
10. For the avoidance of doubt I confirm that the original judgment remains the judgment of the tribunal save for the variations recorded in this document.

Employment Judge T Ryan

Date _____ 1 September 2017 _____

JUDGMENT SENT TO THE PARTIES ON

4 September 2017

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2401430/2017

Name of Miss A Singleton v iPro Sport Distribution Ltd
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 04 September 2017

"the calculation day" is: **05 September 2017**

"the stipulated rate of interest" is: 8%

MISS L HUNTER
For the Employment Tribunal Office