



## EMPLOYMENT TRIBUNALS

**Claimant** Mr D Skedgell

**Respondent** Cuba Drinks Co Limited

**Heard at:** Exeter

**On:** 3,4 & 5 September 2018

**Before:**

**Employment Judge** Goraj

**Members** Mrs S Richards  
Mr TJ Mc Aucliffe

**Representation**

**Claimant:** in person

**The Respondent:** Mr C Murray, Counsel

## JUDGMENT

**The UNANIMOUS JUDGMENT of the tribunal is that: -**

1. The Claimant's complaints of unfair dismissal pursuant to sections 99, 101A and 104 of the Employment Rights Act 1996 ("the Act") are dismissed.
2. The Respondent made an unlawful deduction from the Claimant's pay in the sum of £100 in breach of section 13 of the Act and the Respondent is ordered to repay such monies to the Claimant.
3. By consent (a) the Respondent made a further unlawful deduction from the Claimant's pay in breach of section 13 of the Act in the sum of £422.29 which the Respondent is ordered to repay to the Claimant and (b) the Respondent agreed to pay the sum of £653.85 to the Claimant in settlement of his claim for compensation pursuant to Section 38 of the Employment Act 2002.

4. The Claimant is therefore awarded and the Respondent is ordered to pay to the Claimant the total sum of £1,176.14 (£422.29 + £100+£653.85).
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply in this case.

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Employment Judge Goraj

Date: 13 September 2018

JUDGMENT SENT TO THE PARTIES ON

11 October 2018

FOR THE OFFICE OF THE TRIBUNALS

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.

### **Online publication of judgments and reasons**

The Employment Tribunal (ET) is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and reasons since February 2017 are now available at: <https://www.gov.uk/employment-tribunal-decisions>

The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2420654/2017**

Name of case(s): **Mr D Skedgell** v **Cuda Drinks Co Ltd**

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: **11 October 2018**

"the calculation day" is: **12 October 2018**

"the stipulated rate of interest" is: **8%**

MISS Z KENT  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.