



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102899/2019

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Employment Judge: F Jane Garvie

Mr L A Hamill

Claimant

10 **Brown and Mason Limited**

Respondent

RECONSIDERATION JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that on reconsideration under rule 70
of the Employment Tribunals (Constitution and Rules of Procedure) Regulations
15 2013, the Judgment dated 16 April 2019 and sent to the parties on 17 April 2019 is
revoked on the basis of an application made for reconsideration.

REASONS

1. In this case, a default (Rule 21) Judgment was issued as no response had
been submitted when the file was referred to me. When the Judgment was
20 issued, the respondent was informed they had the right to apply for a
reconsideration and to do so within 14 days of the date of the letter being 17
April 2019.
2. In a letter of 23 April 2019, they enclosed a copy of an agreement reached
through ACAS with the claimant and sought a reconsideration. It is apparent
25 from the terms of the ACAS agreement that a settlement was reached
between the parties with the terms being agreed by the claimant's
representative on 26 March and for the respondent on 1 April 2019.
3. It is unclear to me why ACAS had not been in touch with HMCTS to inform it
of the settlement.

E.T. Z4 (WR)

4. However given a settlement had been agreed and concluded through ACAS, there was no jurisdiction for the Tribunal to proceed to issue a default Judgment on 16 April 2019.

5. For the avoidance of doubt, this information was not before me on 16 April
5 2019 when the decision was reached and had it been, I would not have reached a decision that it was appropriate to issue a default Judgment.

Employment Judge: F Jane Garvie
Date of Judgement: 03 May 2019
Entered in register: 07 May 2019

10 And copied to parties