



EMPLOYMENT TRIBUNALS

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE TRUSCOTT QC

BETWEEN:

Direct International Ltd.

Appellant

AND

HMRC

Respondent

ON: 24 June 2019

Appearances:

For the Appellant: Ms Zhang

For the Respondent: Mr M Green of Counsel

Judgment

1. The correct name of the appellant is Direct International Ltd.
2. The appeal is struck out as the Employment Tribunal has no jurisdiction to hear it.

REASONS

1 Ms Zhang appeared for the appellant company. She had resigned as a director on 7 August 2017. She said Mr David Lee asked her to attend but said that he no longer had anything to do with the company. She does not know who Daniel Lee is. Mr Daniel Lee has been in email communication with the Employment Tribunal using the email address suko155@hotmail.co.uk. This was an email address used on Ms Zang's behalf when a postponement was sought on 21 December 2017. The Tribunal was left quite unclear as to the basis upon which Ms Zhang was representing the company and the veracity of what she said.

3. By section 19 of the NMWA 1998, an appeal against a notice of underpayment must be made within 28 days of the notice. In a submission raised for the first time at this hearing, the respondent pointed out that the appeal should have been lodged by 14 February 2017 having been personally served on 16 January 2017. The appeal was actually lodged on 15 February 2017. Certain employment statutes give the Tribunal a discretion to extend time on the basis of reasonable practicability or being just and equitable but there is no such provision in section 19.

4. The appeal having been lodged out of time, the Employment Tribunal has no jurisdiction and the appeal is struck out.

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I D Truscott QC Employment Judge
Date: 24 June 2019