



EMPLOYMENT TRIBUNALS

Claimant: Mr P Virgin

Respondent: Middlewood Landscape Services Ltd

HELD AT: Manchester

ON: 30 September 2019

BEFORE: Employment Judge Ainscough (sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: Not in attendance

JUDGMENT & WRITTEN REASONS

1. The name of the respondent is amended to Middlewood Landscape Services Ltd, following no objections from the claimant to the request made by the respondent to amend.
2. The complaint of breach of contract in relation to notice pay succeeds and the respondent is ordered to pay the claimant the sum of **£4000** as damages for breach of contract awarded net but grossed up to take account of the likelihood that it will be taxed as Post Employment Notice Pay by HMRC.
3. The claimant's claim for unlawful deduction from wages contrary to Section 13 of the Employment Rights Act 1996 is upheld. The respondent must pay the claimant the gross sum of **£240** unlawfully deducted from his pay, representing £240 in public holiday pay.
3. The claimant's claim for non payment of a redundancy payment contrary to section 135 of the Employment Rights Act 1996 is upheld. The respondent must pay the claimant the sum of **£4800**.
4. The claimant's claim for non payment of holiday pay contrary to regulation 13 of the Working Time Regulations 1998 is upheld. The respondent must pay the claimant the gross sum of **£16,000** for the period of employment from March 2009 to March 2019.



5. The respondent failed to  nant with particulars of employment contrary to section 1 of the Employment Rights Act 1996. In accordance with section 38(3) of the Employment Act 2002 the respondent must pay the claimant 4 weeks gross pay of **£1600**.

Employment Judge Ainscough

1st October 2019

JUDGMENT SENT TO THE PARTIES ON
31 October 2019

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2404635/2019**

Name of case: **Mr P Virgin** v **Middlewood Landscape Services 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: 31 October 2019

"the calculation day" is: 1 November 2019

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

MR S ARTINGSTALL
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/publications/employment-tribunal-hearings-judgment-guide-t426

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.