



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100077/2019

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Employment Judge R Gall

Mr G Walker

Claimant

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Colins Tyres

Respondent

RECONSIDERATION JUDGMENT

15 The Judgment of the Tribunal is that the Judgment dated 18 February 2019 and sent to parties on that date is, upon application of the claimant, reconsidered. Upon reconsideration it is revoked.

The application by the claimant to amend the identity of the respondents is granted. The respondents are now Colin Evans and Mrs Jill Evans trading as Colins Tyres, 20 the address being that of the previous respondents, Colins Tyres. The Clerk to the Tribunals is requested to serve the claim upon the respondents as now designed.

REASONS

1. This claim was brought against Colins Tyres. The claim is not defended. Judgment was issued being dated 18 February 2019 and being sent to parties 25 on that date.

2. A Certificate of Correction in respect of one element of claim was issued. That was sent to parties on 28 February 2019.

3. By letter received from the claimant on 28 August 2019, the claimant requested that the claim be amended so that it was brought against Colin 30 Evans and Mrs Jill Evans trading as Colins Tyres. He explained that difficulties in enforcement of the Judgment against Colins Tyres had occurred. He sent

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on a copy of a letter from HMRC confirming his employers having been Mr C Evans and Ms J Evans trading as Colins Tyres.

4. Clarification was sought from the claimant that he wished to revoke the Judgment dated 18 February 2019. He confirmed this.

5 5. It seemed to me that the respondent in the initial claim, Colins Tyres had no interest in resisting reconsideration and revocation of the Judgment dated 18 February as the respondent was now to become Colin Evans and Mrs Jill Evans trading as Colins Tyres. Insofar as the proposed new respondents were concerned, they would have an opportunity to resist the claim in that the claim required to be served upon them.

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6. I considered the position having regard to the terms of rules 70 to 72 of the Employment Tribunals (Constitution & Rules of Procedure Regulations 2013. Whilst an application of this type requires to be presented within 14 days of the date on which the original decision was sent to parties, time can be extended in terms of rule 5. I decided that in the circumstances explained, and having regard to the fact that no prejudice was caused to the current respondents by this, time should be extended so that the application for reconsideration be considered.

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7. The claimant's position is that he raised the claim against the wrong respondents. He supplied information as to the correct respondents having been the party confirmed by HMRC as having been his employers, Colin Evans and Mrs Jill Evans trading as Colins Tyres.

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8. It seemed to me in those circumstances that it was appropriate to reconsider the Judgment dated 18 February 2019 and sent to parties that date. Upon reconsideration, I revoked the judgment. The claim is therefore live once more.

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9. The claimant also sought that the respondents become Colin Evans and Mrs Jill Evans trading as Colins Tyres. I grant that amendment. The claim will now be served upon Colin Evans and Mrs Jill Evans trading as Colins Tyres. If defended, the process of fixing a hearing can then be undertaken.

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Employment Judge: Robert Gall
Date of Judgement: 26 September 2019
Entered in register: 27 September 2019
And copied to parties

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