



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112306/2019

Employment Judge Robison

Miss V Covus

Claimant

Isle Of Skye Hostels Limited

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaint of failure to consult before the transfer of a business in terms of Regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE Regulation) succeeds and that the respondent shall pay to the claimant the sum of £4,580.68.

REASONS

1. A copy of the claim form setting out the claimant's complaint was sent to the respondent on 8 November 2019.
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it, but failed to do so.
3. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the complaint of failure to consult under the TUPE Regulations.

4. The remaining complaint of failure to provide a written statement of employment is dismissed because the Employment Tribunal has no jurisdiction to consider such a claim under Section 38 of the Employment Act 2002, as Schedule 5 does not apply to that claim.

Employment Judge:	Muriel Robison
Date of Judgement:	08 January 2020
Entered in register:	08 January 2020
And copied to parties	