



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss C Byron  
**Respondents:** 1. ...  
2. ...  
3. DDE Law  
4. Old Hall Consultancy Limited

## JUDGMENT

1. The response of Old Hall Consultancy Limited, so far as it concerns the complaint of unlawful deduction from holiday pay, is struck out on the ground that it has no reasonable prospect of success.
2. Old Hall Consultancy Limited made an unlawful deduction from the claimant's holiday pay and is ordered to pay the claimant the sum of £1,170.00 subject to such deductions as it is required to make for tax and national insurance.
3. The remainder of the claim against Old Hall Consultancy Limited will be considered at a hearing.

## REASONS

1. By a judgment sent to the parties on 31 December 2019, the tribunal declared that in late October or early November 2018, the claimant's employment had transferred from Parkway Marketing Limited to Old Hall Consultancy Limited under regulation 4 of the Transfer of Undertakings (Protection of Employment) Regulations 2000.
2. On 31 December 2019 a notice was sent to the parties proposing to issue a judgment in the above terms.
3. The notice explained the reasons for the proposed judgment as follows:  
“
  - a. A director of Old Hall Consultancy Limited, whilst representing Parkway Marketing Limited, confirmed at a preliminary hearing on 30 July 2019 that the claimant's employer owed her 18 days' holiday pay at £65 per day;”

- b. Another director of Old Hall Consultancy Limited, whilst representing himself, confirmed the same thing at the same preliminary hearing; and
  - c. The tribunal has found that the claimant's employment transferred to Old Hall Consultancy Limited, which means that this company was her employer at the time of termination of her employment."
4. Old Hall Consultancy Limited was given an opportunity to make representations in writing as to why a judgment should not be issued in these terms. The company was also given the opportunity to ask for the matter to be determined at a hearing. The deadline for representations or for a request for a hearing was 14 January 2019.
  5. No representations or request were received by the tribunal by 14 January 2019.
  6. On 23 January 2020, Mr Holden, e-mailed the tribunal on behalf of Old Hall Consultancy Limited. The e-mail did not dispute the claimant's entitlement to holiday pay from her employer. It made representations to the effect that Old Hall Consultancy Limited had never employed the claimant. This assertion could not stand in the light of the judgment sent to the parties on 31 December 2019. Mr Holden did not ask for that judgment to be reconsidered. In any event, the e-mail was received after the 14-day deadline for reconsideration applications and did not explain why it was necessary in the interests of justice for the judgment to be reconsidered. The e-mail did not request that the claim for holiday pay be determined at a hearing.
  7. In those circumstances, Old Hall Consultancy Limited has not put forward any arguable grounds for resisting the claim for holiday pay. To the extent that the company's ET3 response purports to resist that part of the claim, that part of the response is struck out.

11 February 2020

Employment Judge Horne

SENT TO THE PARTIES ON

25 February 2020

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2401919/2019**

Name of case: **Miss C Byron** v **Michael Holden**  
**DDE Law**  
**Old Hall Consultancy**  
**Limited**

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: **25 February 2020**

"the calculation day" is: **26 February 2020**

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

For the Employment Tribunal Office