



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4113043/2019

Employment Judge I McPherson

Mr Chris McIntyre

Claimant

Archibald Investment Ltd

Respondents

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaint of (a) unfair dismissal is dismissed, as being outwith the jurisdiction of the Employment Tribunal, the claimant not being qualifying service of two years, in terms of section 108 of the Employment Rights Act 1996, but (b) his complaints of failure to pay notice pay, and arrears of pay, succeed, and the remedy to which the claimant is entitled for those two heads of complaint will be determined at a hearing at a date to be hereafter assigned by the Tribunal.

REASONS

1. A copy of the claim form setting out the claimant's complaints was sent to the respondent on 10 January 2020.
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 by 7 February 2020, or at all.

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 claim.
4. The remedy to which the claimant is entitled for the complaints of failure to pay notice pay, and arrears of pay, will be determined by an Employment Judge at a hearing.

Employment Judge: Ian McPherson
Date of Judgement: 19 February 2020
Entered in register: 19 February 2020
And copied to parties