



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Employment Judge N M Hosie

Case No: S/4106012/19

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Claimant

Name: Mr M Walker
Address:

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Respondent(s)

Name: Michael O'Driscoll
And Jennifer O'Driscoll
T/A M & J O'Driscoll

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EMPLOYMENT TRIBUNALS (CONSTITUTION AND RULES OF PROCEDURE) REGULATIONS 2013

JUDGMENT

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In respect that no response in these proceedings has been presented to the Employment Tribunal office within the relevant time limit, the Employment Judge, in terms of Rule 21 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, now issues the following Judgment:-

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1. The claim under section 23 of the Employment Rights Act 1996 is well-founded and the respondents shall pay to the claimant the sum of Nine Hundred and Sixty-Six Pounds and Forty Pence (£966.40), subject to the appropriate deductions for Income Tax and National Insurance, as unlawful deductions from wages.

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2. The claim under Regulation 30(1)(b) of the Working Time Regulations 1998, is well-founded and the respondents shall pay to the claimant the sum of Two Thousand, Seven Hundred and Seventy-Eight Pounds and Forty Pence (£2,778.40), subject to the appropriate deductions for Income Tax and National Insurance, as a payment in lieu of annual leave.

3. The respondents shall pay to the claimant the sum of Five Thousand, Five Hundred and Twenty Pounds (£5,520), as damages for breach of contract (failure to give notice of termination of employment).

4. The respondents shall pay to the claimant the sum of Thirteen Thousand, Three Hundred and Forty Pounds (£13,340), as a redundancy payment.

5. The respondents shall pay to the claimant the sum of Nine Hundred and Twenty Pounds (£920) in respect of their failure to provide the claimant with a written statement of his terms and conditions of employment.

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

In accordance with the power set out in Rule 69 of the Employment Tribunal Rules of Procedure 2013, I hereby correct the clerical mistake(s), error(s) or omissions(s) in the Judgement sent to the parties on 9 August 2019, as follows :

(i) on the first page of the Judgment, as amended, delete the words: "And Jennifer O'Driscoll, as individuals and as partners T/A M & J O'Driscoll";

(ii) on the second page of the Judgment, as amended, at para. 3 delete, "Five Thousand, Five Hundred and Twenty Pounds (£5,520)" and substitute therefor: "Six Thousand, One Hundred and Seven Pounds and Sixty-Four Pence (£6,107.64); and

(iii) on the second page of the Judgment, as amended, at para 4 delete "Thirteen Thousand, Three Hundred and Forty Pounds (£13,340)" and substitute therefor: "Fourteen Thousand, Seven Hundred and Thirty-Two Pounds (£14,732)".

An amended version of the Judgment is attached.

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Employment Judge:

Nicol Hosie

Date of Judgment:

12 May 2020

Date sent to parties

18 May 2020

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