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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4113411/2019

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Held in Chambers on 20 February 2020

Employment Judge: I McPherson

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Mr J Christie

Claimant

Eric Wright Water Limited

Respondent

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The judgment of the Employment Tribunal, made in chambers, and acting under its powers in terms of **Rules 20, 29, and 70 to 73, of the Employment Tribunals Rules of Procedure 2013**, following the respondents' unopposed application dated 24 January 2020, and without the need for a Hearing, is as follows:

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- (1) The respondents' application for reconsideration and set aside of the Default Judgment made against them and dated 17 January 2020 is **granted**, there being no objection intimated by the claimant (despite the opportunity offered to him by the Tribunal, on 5 February 2020 to respond by 15 February 2020) and, in any event, it being in the interests of justice to do so, where it is now clear that the ET1 claim form was not properly served upon the respondents, when Notice of Claim was sent by the Tribunal on 28 November 2019, and so they did not have an opportunity to respond, and they have applied under **Rule 20** for an extension of time to present their response defending the claim.

(2) Accordingly, on reconsideration, the **Rule 21** Default Judgment issued in the claimant's favour, dated 17 January 2020, is **revoked**.

5 (3) Further, and in any event, the respondents' application under **Rule 20** dated 17 January 2020 for an extension of time to present their ET3 response is **granted**, there being no objection intimated by the claimant, and it being in the interests of justice to do so, and an ET3 response form, with detailed grounds of resistance, having been sent
10 to the Tribunal, by the respondents' solicitors on 17 February 2020, defending the claim, the Tribunal **accepts** that response, and instructs the clerk to the Tribunal to send a copy to the claimant and to ACAS.

15 (4) In these circumstances, the claim now being defended, the Remedy Hearing to be held on Friday, 27 March 2020, at 10.00am, for up to 3 hours, is **cancelled**, and it will not now take place.

20 (5) The clerk to the Tribunal is instructed to issue date listing stencils to both parties, along with standard case management orders under **Rule 29** for the conduct of a Final Hearing, for full disposal, including remedy, if appropriate, on dates to be hereinafter assigned by the Tribunal.

Employment Judge:

G I McPherson

25 Date of Judgement:

20 February 2020

Entered in Register,

Copied to Parties:

20 February 2020