



EMPLOYMENT TRIBUNALS

Claimant: Mr M Davies

Respondent: Riverside Creatives Limited

JUDGMENT ON RECONSIDERATION

Employment Tribunals (Constitution and Rules of Procedure) 2013
rules 70 to 72

It is the judgment of the Tribunal that:

- a) the Acting Regional Employment Judge acting pursuant to rule 72 (3) of the 2013 rules of procedure to reconsider a judgement made by another (now retired) Employment Judge, on the grounds that it is not practicable for the judgment to be reconsidered by the Employment Judge who made it , and
- b) no response having been received from the respondent to the Tribunal's letter of 3 June 2020 wherein the proposal to reconsider the judgment and to vary it was made;
- c) the judgment sent to the parties on 16 April 2020 be varied so as to provide that:
 - i) The respondent has made unlawful deductions from the claimant's wages and is ordered to pay the claimant the sums of £352.03 (£434.35 gross, in respect of the period of 24 September 2019 to 29 September 2019) and £150.00 in respect of the period of 9 September 2019 to 22 September 2019.
 - ii) The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded , in respect of 25.67 hours untaken but accrued holiday (holiday pay) The respondent failed to pay the claimant pay in lieu of this untaken holiday, in respect of 25.67 days' entitlement, a gross sum of £1848.24, net £1515.13.
 - iii) The respondent is accordingly ordered to pay the sums of £352.03, £150.00 and £1515.13, in total **£2017.16** to the claimant. This is a net sum, and the

respondent shall account to HMRC for the appropriate deductions for tax and national insurance due upon it , if any.

Acting Regional Employment Judge Holmes

Dated: 4 August 2020

JUDGMENT SENT TO THE PARTIES ON
4 August 2020
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2416520/2019**

Name of case: **Mr M Davies** v **Riverside Creatives 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: 16 April 2020

"the calculation day" is: 17 April 2020

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

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.