



EMPLOYMENT TRIBUNALS

Claimant: Miss M Tillotson
Respondents: (1) SMC Premier Group Limited
(2) MYA Cosmetic Surgery Limited (in administration)

AT A PRELIMINARY HEARING

Heard at: Leeds **On:** 10th September 2021
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondents: Did not attend

JUDGMENT

1. There was not a relevant transfer from the First to the Second Respondent on 16th July 2020 (or at any other time) under regulation 3 (1) (b) (iii) of the TUPE Regulations 2006, because the condition in regulation 3 (3) is not satisfied. The Second Respondent client did not ever intend that cleaning activities after any alleged service provision change, unilaterally asserted by the First Respondent contractor to have taken place, would be carried out by in itself as transferee. The engagement of the Claimant as a cleaner in or about October 2020, whether by the Second Respondent or by MYA Clinics Ltd (in creditors voluntary liquidation) or by any other person, was for a task of short-term duration pending the closure of the premises at 4 Lisbon Square Leeds and the removal to new premises in Morley in December 2020.
2. The Second Respondent is therefore removed from these proceedings.
3. The claims against the First Respondent will continue to final hearing.

EMPLOYMENT JUDGE LANCASTER
DATE: 10 SEPTEMBER 2021
JUDGMENT SENT TO THE PARTIES
AND ENTERED IN THE REGISTER
DATE: 17 SEPTEMBER 2021