



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104852/2020

5

Employment Judge I McFatridge

Mr D Beveridge

Claimant

10

Core Plant Hire Ltd

Respondent

JUDGMENT

15

Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim. On the basis of the material before me I have decided to issue the following judgment under Rule 21:-

20

1. The respondent shall pay to the claimant a redundancy payment of **One Thousand Six Hundred and Fourteen Pounds (£1614)**.
2. The respondent shall pay to the claimant the sum of **Five Hundred and Ninety Six Pounds (£596)** in respect of holidays accrued but untaken as at the date of termination of employment.

REASONS

25

30

35

1. On the basis of the information before me from the claimant's payslip the claimant was paid £596 gross per week which equates to £506.63 net. The claimant was born on 12 January 1966 and as at 2 July 2020 which was the date of termination of his employment he had two full years' service during both of which he had been over the age of 41 years. The claimant is therefore entitled to a redundancy payment of three years' pay. The statutory cap of £538 per week applies and the amount of redundancy payment is therefore £1614.
2. From the information provided in the ET1 and accompanying documents the claimant's holiday year ran from 1 January in each year. The claimant was entitled to 14.2 days' holiday (rounded up to 15 full days) for the period between 1 January 2020 and his date of termination. On the basis of the

information before me the claimant had taken 10 days' annual leave during his period of employment. As at the date of termination of his employment the claimant was therefore due five days' annual leave. I have awarded this at the amount of his gross pay since it is unclear whether or not the respondent are in a position to make PAYE deductions. For the avoidance of doubt the respondent shall be entitled to deduct from the sum of £596 (but not the redundancy payment) any PAYE tax or national insurance which they are obliged to deduct therefrom in terms of statute but that only provided that

5

10

- (1) they advise the claimant of the amount so deducted at the time of payment;
- (2) they make immediate payment of the sums deducted to HMRC; and
- (3) if requested they provide proof to the claimant that they have made such payment.

15

20

Employment Judge:	I McFatridge
Date of Judgment:	26 November 2020
Entered in register:	25 January 2021
and copied to parties	