



# EMPLOYMENT TRIBUNALS

Claimants	(1) Mr. G MacLean (2) Mr. N McDonald (3) Mr. J Onn
Respondents	(1) FS Operations Limited (In Administration) (2) Holloway Leisure and Fitness Limited (3) The Fitness Collective Limited (4) Fitness Space (Franchise) Limited
Heard at:	Midlands East Employment Tribunal
On:	28 February 2022 and 1, 2 and 3 March 2022.
Before:	Employment Judge R Broughton and members Mrs. J Hallam and Mr. A Wood.
Claimants	In person
First Respondent	No Attendance
Second Respondent	Mr Holloway – director
Third Respondent	No Attendance
Fourth Respondent	Ms Younis – solicitor

## JUDGMENT

The Claimants' claims that their employment transferred from MR Fitness Limited to the First Respondent, FS Operations Limited (In Administration) pursuant to Regulation 3(1)(a) of the Transfer of Undertakings (Protection of Employment) Regulations 2006 SI 2006/246 ('TUPE') on 1 May 2019 (The Transfer) and that their employment with the First Respondent then terminated on 30 October 2019 following the closure of the business premises where they were employed to work, is well founded and succeeds.

The claimant's claims pursuant to Regulation 15 TUPE were not brought within the time limit prescribed by Regulation 15 (12) TUPE, the Tribunal therefore has no jurisdiction to determine the claims for a failure to inform and consult

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about The Transfer, against the First Respondent and those claims are therefore dismissed.

The claims against the Second, Third and Fourth Respondent are not well founded and are dismissed.

The remedy to be awarded as against the First Respondent for the remaining claims, will be determined at a separate remedy hearing.

Employment Judge Broughton

Date: 4 March 2022

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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