



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Martyniuk & Others (See attached Schedule A)

Respondent: 1. Lunar Caravans Ltd (In Creditors' Voluntary Liquidation)
2. Lunar Automotive Ltd

Heard at: Manchester Employment Tribunal **On:** 19 April 2022 (in chambers)

Before: Employment Judge Dunlop (sitting alone)

REMEDY JUDGMENT

Subsequent to the Tribunal's Judgment on Liability sent to the parties on 14 October 2021, and having regard to correspondence from the parties as to the appropriate terms of the Judgment as to Remedy, the Tribunal gives Judgment in the following terms:

Unfair/Wrongful Dismissal claims

1. The first respondent is ordered to pay the individual claimants damages for their successful unfair dismissal and wrongful dismissal claims, as set out in Schedule B.
2. The Tribunal has determined that in each case where the individual employee is entitled to a protective award, no compensatory award for unfair dismissal will be payable in respect of the period covered by the protective award (i.e. from 25/26 July to 3/4 October 2019). Further, the Tribunal has determined that each compensatory award should be reduced by two-thirds. This reflects the fact that the business was in serious difficulties, and there is a likelihood that had a fair procedure been followed at least some of the claimants would have been dismissed in any event. Others would have been dismissed in subsequent weeks and months as the business continued to fail. A broad-brush approach is necessary as the claimants are conscious that they may have difficulty in recovering these sums and do not wish to undergo the expense of further remedy hearings where individual circumstances could be more fully considered. Nonetheless, it would be unrealistic to award the full sums claimed and I consider that a two-thirds discount does justice to all parties.

3. No awards are made in respect of those individual claimants not listed in Schedule B, as no information as been provided to enable me to make such awards.

Regulation 15 TUPE claim

4. In respect of the successful claim by Unite the Union under Regulation 15(8) Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") an award of five weeks' pay is made to each hourly-paid employee covered by the Recognition Agreement dated 3 September 2002 who was affected by the transfer (i.e. those who transferred to the employment of the second respondent). A Schedule of Employees entitled to the award is attached as Schedule C to this Judgment. (For the avoidance of doubt, an employee who is not named in the Schedule will nevertheless be entitled to the award if they fall within the terms of this paragraph.)
5. In accordance with Regulation 15(9) TUPE, the first and second respondents are jointly and severally liable for this award.

Protective Award

6. The Tribunal makes a protective award in favour of the employees made redundant by the first respondent on 25 or 26 July 2019 who were hourly-paid employees covered by the Recognition Agreement dated 3 September 2002 and orders the first respondent to pay remuneration for a protected period of 70 days beginning on 26 July 2019. A Schedule of Employees entitled to the award is attached as Schedule D to this Judgment. (For the avoidance of doubt, an employee who is not named in the Schedule will nevertheless be entitled to the award if they fall within the terms of this paragraph.)
7. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the protective awards.

Employment Judge Dunlop
Date: 19 April 2022

SENT TO THE PARTIES ON
5 May 2022

FOR EMPLOYMENT TRIBUNALS

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.

Schedule A
Claims before the Tribunal

Case Number	Claimant Name
2408166/2021	Unite the Union
2416812/2019	Ms Zoe Allan
2416813/2019	Miss Zoe Allan
2416814/2019	Mrs K Bamber
2416815/2019	Mr John Eadon
2416816/2019	Mr Michael Horrocks
2416817/2019	Mr Joseph Jones
2416818/2019	Mr Kenneth Mitchell
2416819/2019	Mr Trevor Slater
2416820/2019	Mr John Wilkinson
2416830/2019	Mrs Julie Martyniuk
2416831/2019	Miss Zoie Allan
2416832/2019	Mr David Bamber
2416833/2019	Mr P Blakeley
2416834/2019	Ms Christine Chappell
2416835/2019	Mr Adrian Ditchfield
2416836/2019	Mr R Doran
2416837/2019	Mr R Duignan
2416838/2019	Mr Michael Gregson
2416839/2019	Mr Steven Gregson
2416840/2019	Mr Alexis Hernandez
2416841/2019	Mr T W Iles
2416842/2019	Mr Joseph Jones
2416843/2019	Mr Anatoli Martyniuk
2416844/2019	Mrs Julie Martyniuk
2416845/2019	Mr Keith Miller
2416846/2019	Mr Kenneth Mitchell
2416847/2019	Mr Paul Norris
2416848/2019	Mr Marcin Olejnik
2416849/2019	Mr H Stubbs
2416850/2019	Mr Andrew Turner
2416851/2019	Mr Andrew Whiteley
2416852/2019	Mr Stephen Wilson
2416853/2019	Mr Steven Wright
2416854/2019	Ms Anne Yates

Schedule B
Awards for Wrongful Dismissal and Unfair Dismissal

2416844/2019 Julie Martyniuk

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).

2.1 The claimant is awarded a compensatory award of £3,285.81, calculated as follows:

2.2 The claimant has claimed 52 weeks' pay following her redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.

2.3 42 weeks' net pay at £358.51/week = £15,057.42

2.4 Credit is given for £5,500 mitigation of loss (excluding benefits received, which may be recovered by way of recoupment). This is an approximate figure, as the claimant had used gross amounts. This leaves £9,557.42

2.5 Adding £300 for loss of statutory rights gives £9,857.42

2.6 Applying a 2/3 reduction leaves £3,285.81

8. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £3,285.81 and the prescribed element is £3,185.81 The amount by which the monetary award exceeds the prescribed amount is £100.

2416832/2019 David Bamber

3. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
4. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
5. The claimant is awarded a compensatory award of £3,145.67, calculated as follows:

5.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.

5.2 42 weeks' net pay at £372.31/week = £15,637.02

5.3 Credit is given for £6,500.00 mitigation of loss (excluding benefits received, which may be recovered by way of recoupment) leaving £9,137.02. (This is an approximate amount as the claimant used gross figures).

5.4 Adding £300 for loss of statutory rights gives £9,437.02

5.5 Applying a 2/3 reduction leaves £3,145.67

9. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £3,145.67 and the prescribed element is £3,045.67. The amount by which the monetary award exceeds the prescribed element is £100.

Richard Duignan 2416837/2019

6. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.

7. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).

8. The claimant is awarded a compensatory award of £5,549.78, calculated as follows:

8.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.

8.2 42 weeks' net pay at £389.27/week = £16,349.34

8.3 The claimant made reasonable attempts to mitigate his loss but was unable to do so.

8.4 Adding £300 for loss of statutory rights gives £16,649.34

8.5 Applying a 2/3 reduction leaves £5,549.78

10. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award as the claimant did not claim relevant benefits in the period for which loss of earnings have been awarded.

2416854/2019 Anne Yates

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.

2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).

3. The claimant is awarded a compensatory award of £5,407.96, calculated as follows:

- 3.1 The claimant has claimed 52 weeks' pay following her redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £379.14/week = £15,923.88
 - 3.3 The claimant acted reasonably in deciding not to seek alternative employment.
 - 3.4 Adding £300 for loss of statutory rights gives £16,223.88
 - 3.5 Applying a 2/3 reduction leaves £5,407.96
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £5,407.96 and the prescribed element is £5,307.96. The amount by which the monetary award exceeds the prescribed element is £100.

Steven Wright 2416853/2019

- 1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
 - 2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
 - 3. The claimant is awarded a compensatory award of £468.65, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £372.31/week = £15,637.02
 - 3.3 Credit is given for £14,500 mitigation of loss (excluding benefits received, which may be recovered by way of recoupment). This is calculated as an approximate net figure for the relevant period, given that the figure given by the claimant was a gross figure. This leaves £1,105.94.
 - 3.4 Adding £300 for loss of statutory rights gives £1,405.94
 - 3.5 Applying a 2/3 reduction leaves £468.65
11. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £468.65 and the prescribed element is £368.65. The amount by which the monetary award exceeds the prescribed element is £100.

2416834/2019 Christine Chappell

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £5,103.32, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following her redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £357.38/week = £15,009.96
 - 3.3 The claimant made reasonable attempts to mitigate her loss but was unsuccessful.
 - 3.4 Adding £300 for loss of statutory rights gives £15,309.96
 - 3.5 Applying a 2/3 reduction leaves £5,103.32
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £5,103.32 and the prescribed element is £5,003.32. The amount by which the monetary award exceeds the prescribed element is £100.

2416843/2019 Anatoli Martyniuk

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £4,484.66, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £313.19/week = £13,153.98
 - 3.3 The claimant made reasonable attempts to mitigate his loss, but was unsuccessful.
 - 3.4 Adding £300 for loss of statutory rights gives £13,453.98
 - 3.5 Applying a 2/3 reduction leaves £4,484.66
12. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July

2020. The total monetary award is £4,484.66 and the prescribed element is £4,384.66. The amount by which the monetary award exceeds the prescribed element is £100.

Zoie Allan 2416831/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £2,912.77, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following her redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £319.96/week = £13,438.32
 - 3.3 The claimant made reasonable attempts to mitigate her loss and earned approximately £5,000 in mitigation in the relevant period (excluding benefits). (This is an approximate figure as the sum used by the claimant was gross rather than net, and also included weeks before 4 October 2019, which I have not taken into consideration). This leaves £8,438.32.
 - 3.4 Adding £300 for loss of statutory rights gives £8,738.32
 - 3.5 Applying a 2/3 reduction leaves £2,912.77
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £2,912.77 and the prescribed element is £2,812.77. The amount by which the monetary award exceeds the prescribed element is £100.

Alexis Hernandez 2416840/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £1,325.28, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £337.52/week = £14,175.84

3.3 The claimant made reasonable attempts to mitigate his loss and earned approximately £10,500 in mitigation in the relevant period (excluding benefits). (This is an approximate figure as the sum used by the claimant was gross rather than net, and also included weeks before 4 October 2019, which I have not taken into consideration). This leaves £3,675.84

3.4 Adding £300 for loss of statutory rights gives £3,975.84

3.5 Applying a 2/3 reduction leaves £1,325.28

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £1,325.28 and the prescribed element is £1,225.28. The amount by which the monetary award exceeds the prescribed element is £100.

Thomas Iles 2416841/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £2,592.28, calculated as follows:

3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.

3.2 42 weeks' net pay at £350.00/week = £14,700.00

3.3 The claimant made reasonable attempts to mitigate his loss and earned £7,223.15 in mitigation in the relevant period. This leaves £7,476.85

3.4 Adding £300 for loss of statutory rights gives £7,776.85

3.5 Applying a 2/3 reduction leaves £2,592.28

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award as the claimant has not claimed any relevant benefits in the period.

Paul Norris 2416847/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).

3. The claimant is awarded a compensatory award of £738, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £367.00/week = £15,414.00
 - 3.3 The claimant made reasonable attempts to mitigate his loss and earned approximately £13,500 in mitigation in the relevant period (excluding benefits). (This is an approximate figure as the sum used by the claimant was gross rather than net, and also included weeks before 4 October 2019, which I have not taken into consideration). This leaves £1,914.
 - 3.4 Adding £300 for loss of statutory rights gives £2,214.00
 - 3.5 Applying a 2/3 reduction leaves £738.00
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £738.00 and the prescribed element is £638.00. The amount by which the monetary award exceeds the prescribed element is £100.

Andrew Turner 2416850/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £5,180.74, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £362.91/week = £15,242.22
 - 3.3 The claimant made reasonable attempts to mitigate his loss but was unable to do so.
 - 3.4 Adding £300 for loss of statutory rights gives £15,542.22
 - 3.5 Applying a 2/3 reduction leaves £5,180.74
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £5,180.74 and the prescribed element is £5,080.74. The amount by which the monetary award exceeds the prescribed element is £100.

Robert Doran 2416836/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £4,631.24, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £323.66/week = £13,593.72
 - 3.3 The claimant made reasonable attempts to mitigate his loss but was unable to do so.
 - 3.4 Adding £300 for loss of statutory rights gives £13,893.72
 - 3.5 Applying a 2/3 reduction leaves £4,631.24
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 does not apply to this award as the claimant did not claim benefits.

Michael Gregson 2416838/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £4,580.00, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £320.00/week = £13,440.00
 - 3.3 The claimant was unable to mitigate his loss during this period. I find he acted reasonably.
 - 3.4 Adding £300 for loss of statutory rights gives £13,740.00
 - 3.5 Applying a 2/3 reduction leaves £4,580.00
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 does not apply to this award as the claimant did not claim benefits.

Marcin Olejnik 2416848/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £1,010.00, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £315.00/week = £13,230.00
 - 3.3 The claimant made reasonable attempts to mitigate his loss and earned approximately £10,500 in mitigation in the relevant period (excluding benefits). (This is an approximate figure as the sum used by the claimant was gross rather than net, and also included weeks before 4 October 2019, which I have not taken into consideration). This leaves £2,730.00.
 - 3.4 Adding £300 for loss of statutory rights gives £3,030.00
 - 3.5 Applying a 2/3 reduction leaves £1,010.00
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £1,010.00 and the prescribed element is £910.00. The amount by which the monetary award exceeds the prescribed element is £100.

Peter Blakeley 2416833/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £5,528.50, calculated as follows:
 - 3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.
 - 3.2 42 weeks' net pay at £387.75/week = £16,285.50
 - 3.3 The claimant made reasonable attempts to mitigate his loss but was unable to do so.
 - 3.4 Adding £300 for loss of statutory rights gives £16,585.50.

3.5 Applying a 2/3 reduction leaves £5,528.50

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 does not apply to this award as the claimant did not claim benefits.

Herbert Stubbs 2416849/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £4,748.00, calculated as follows:

3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.

3.2 42 weeks' net pay at £332.00/week = £13,944.00

3.3 The claimant made reasonable attempts to mitigate his loss but was unable to do so.

3.4 Adding £300 for loss of statutory rights gives £14,244.00

3.5 Applying a 2/3 reduction leaves £4,748.00

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £4,748.00 and the prescribed element is £4,648.00. The amount by which the monetary award exceeds the prescribed element is £100.

Adrian Ditchfield 2416835/2019

1. No award is made in respect of notice pay as this has been recovered from the Insolvency Service.
2. There is no basic award as this has been recovered from the Insolvency Service (in the form of a redundancy payment).
3. The claimant is awarded a compensatory award of £5,742.67, calculated as follows:

3.1 The claimant has claimed 52 weeks' pay following his redundancy, from this I discount the first ten weeks, reflecting the period of the protective award.

3.2 42 weeks' net pay at £534/week = £22,428

3.3 The claimant made reasonable attempts to mitigate his loss and earned approximately £5,500 in mitigation in the relevant period (excluding benefits). (This is an approximate figure as the sum

used by the claimant was gross rather than net. This leaves £16,928.00.

3.4 Adding £300 for loss of statutory rights gives £17,228.00

3.5 Applying a 2/3 reduction leaves £5,742.67

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 4 October 2019 to 26 July 2020. The total monetary award is £5,742.67 and the prescribed element is £5,642.67. The amount by which the monetary award exceeds the prescribed element is £100.

**Schedule C
Employees entitled to s15(8) TUPE Award**

Name	Address:	Gross Weekly Pay:
Ian Roe	102 Browndge Road, Lostock Hall, Preston, Lancashire, PR5 5AD	£454.00
Steven Ashby	19 Turner Street, Preston, Lancashire, PR1 1TN	£376.00
Lee Conroy Phillips	11a Rushy Hey, Lostock Hall, Preston, Lancashire, PR5 5JP	£458.25
Carol Cookson	70 Arbour Lane, Standish, Wigan, Lancashire, WN6 0YJ	£453.96
Charlotte Cranshaw	122 Fairview Drive, Adlington, Chorley, Lancashire, PR6 9ST	£492.57
Sean Dever	42 Crawford Avenue, Leyland, Lancashire, PR25 3FN	£476.84
Craig Dyzdzan	31 Devonshire Avenue, Thornton-Cleveleys, Lancashire, FY5 4AT	£557.30
Ian Farquhar	133 Quebec Road, Blackburn, Lancashire, BB2 7DP	£467.22
Paul Frazer	50 Ampleforth Drive, Lostock Hall, Preston, Lancashire, PR5 5TE	£576.92
Darren Gibbons	69 Buck Street, Leigh, Lancashire, WN7 4HE	£576.92
Robert Gilfoyle	22 Grange Road, Leyland, Lancashire, PR25 1XS	£479.16
Stephen Hamilton-Hall	6 Arnside Road, Ashton-On-Ribble, Preston, Lancashire, PR2 1TX	£453.95
Gary Hitchen	33 Longshaw Old Road, Billinge, Wigan, Lancashire, WN5 7JJ	£698.79
Ryan Jennings	13 Alexandra Street, Wigan, Lancashire, WN5 9DS	£443.82
Kevin Lowe	70 Arbour Lane, Standish, Wigan, Lancashire, WN6 0YJ	£292.56
Jason Kilshaw	11 Cartmell Drive, Hoghton, Preston, Lancashire, PR5 0LN	£467.22
Shaun Marsden	28 Hammond Court, Preston, Lancashire, PR1 7LL	£513.36
Steven McCann	121 Sylvancroft, Ingol, Preston, Lancashire, PR2 7BP	£557.30
Christopher McCulloch	15 De Trafford Place, Croston, Leyland, Lancashire, Preston, PR26 9RZ	£557.30
John McGrath	3 Morland Avenue, Lostock Hall, Preston, Lancashire, PR5 5LU	£382.98
Jeffrey Robinson	17 Robin Hey, Leyland, Lancashire, PR26 7UJ	£467.22
William Roxburgh	8 Withy Grove Close, Bamber Bridge, Preston, Lancashire, PR5 6NT	£557.30
Daniel Shelley	13 Springfield Road, Coppull, Chorley, Lancashire, PR7 5EJ	£562.50
Paul Shelley	13 Springfield Road, Coppull, Chorley, Lancashire, PR7 5EJ	£958.33
Gary Tunney	5 Yewlands Drive, Leyland, Lancashire, PR25 2TN	£467.22
Darren Unsworth	220 Waterloo Road, Blackpool, Lancashire, FY4 3AE	£557.30
Diane Hilliard	46 Bangor Avenue, Bispham, Blackpool, Lancashire, FY2 0HY	£826.92
Richard Parr	20 Kiln Croft, Clayton-Le-Woods, Chorley, PR6 7UD	Unknown
Richard Sutton	85 School Lane, Bamber Bridge, Preston, PR5 6QE	Unknown

**Schedule D
Employees entitled to Protective Award**

Name	Address	Gross Weekly Pay
Mrs Julie Martyniuk	2 Denby Close, Preston, Lancashire, PR5 5UG	£453.96
Mr David Bamber	114 Higher Meadow, Leyland, Lancashire, PR25 5RU	£467.22
Mr P Blakeley	37 Central Drive, Wigan, Lancashire, WN6 8BA	£467.22
Ms Christine Chappell	2 Tunley Holme, Preston, Lancashire, PR5 8EP	£445.81
Mr Adrian Ditchfield	52 Red House Lane, Chorley, Lancashire, PR7 5RH	£704.00
Mr R Doran	406 Ormskirk Road, Wigan, Lancashire, WN5 9DF	£467.22
Mr R Duignan	50 Ash Meadow, Preston, Lancashire, PR2 1RX	£467.22
Mr Michael Gregson	6 Medway Close, Preston, Lancashire, PR5 5AF	£382.00
Mr Steven Gregson	6 Birchwood Drive, Preston, Lancashire, PR2 9UJ	£375.25
Mr Alexis Hernandez	7 Kingfisher Close, Chorley, Lancashire, PR7 2RB	£382.98
Mr T W Iles	48 Rosefinch Way, Blackpool, Lancashire, FY3 9NY	£499.00
Mr Joseph Jones	23 Stratton Drive, Wigan, Lancashire, WN2 5HP	£467.22
Mr Anatoli Martyniuk	2 Denby Close, Preston, Lancashire, PR5 5UG	£382.19
Mr Keith Miller	5 Kirkhead, Preston, Lancashire, PR4 4GP	£453.96
Mr Kenneth Mitchell	8 Oakgate Close, Liverpool, L11 9EB	
Mr Paul Norris	10 Northlands, Leyland, Lancashire, PR26 7XP	£467.22
Mr Marcin Olejnik	4 Zetland Street, Southport, Merseyside, PR9 0SB	£382.98
Mr Trevor Slater	129 Savick Way, Preston, Lancashire, PR2 1XA	£450.00
Mr Herbert Stubbs	79 Delph Street, Wigan, Lancashire, WN6 7EF	£467.22
Mr Andrew Turner	72 Albrighton Road, Preston, Lancashire, PR5 5LE	£453.96
Miss Zoie Allan	12 Church Street, Wigan, Lancashire, WN5 8TG	£382.98
Mr Andrew Whiteley	419 Preston Road, Wigan, Lancashire, WN6 0QB	£467.00
Mr Stephen Wilson	14 Victoria Steet, Preston, Lancashire, PR5 5RA	£453.96
Mr Steven Wright	4 Earnshaw Drive, Leyland, Lancashire, PR25 1QS	£467.22
Ms Anne Yates	157 Fir Tre Avenue, Preston, Lancashire, PR5 5SY	£453.96
Ms Vivienne Riding	2 Heathway, Fulwood, Preston, PR2 8PY	£342.08
Ms Tracey Rodgers	33 Bowland Road, Ribbleton, Preston, PR2 6HJ	Unknown
Mr John Eadon	240 St Pauls Road, Preston, PR1 6NS	Unknown
Mr Michael Horrocks	12 The Cedars, Chorley, Lancashire, PR7 3RH	Unknown
Mr John Wilkinson	28 Westfield Drive, Ribbleton, Preston, PR2 6TH	Unknown
Mr John Barbarewicz	5 Whitendale Drive, Bamber Bridge, Preston, PR5 6NJ	Unknown
Mr Phillip Bebbington	24 Chester Place, Adlington, Chorley, PR6 9RP	Unknown
Mr David Mitchell	140A Robin Hey, Leyland, PR26 7UP	Unknown



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2416830/2019 & Others**

Name of cases: **Mrs J Martyniuk & Others** v **Lunar Caravans Ltd (In Creditors Voluntary Liquidation)**

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 judgment day" is: 5 May 2022

"the calculation day" is: 6 May 2022

"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.

**ANNEX TO THE JUDGMENT
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a)** the amount (less any tax or social security contributions which fall to be deducted by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR
- (b)** (i) the amount paid by way of or paid as on account of jobseeker's allowance, income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or
- (ii)** in the case of an employee entitled to an award of universal credit for any period ("the UC period") which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as

**Case No:2416830/2019
and Others**

immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.