



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr P Moore  
Mr R Moore  
Mr D Sutherland

**Respondents:** (1) Utility Alliance Ltd – in administration  
(2) Secretary of State for Business, Energy and Industrial Strategy

**BEFORE:** Employment Judge Martin

## JUDGMENT ON RECONSIDERATION

The Judgment of the Tribunal is that the Judgement made on 20 October 2021 be revoked.

## REASONS

- 1 Employment Judge Martin considered on her own initiative whether the judgement made by her on 20 October 2021 should be varied and / or revoked. It was brought to her attention that the claims were inadvertently struck out against both respondents whereas the claims should only have been struck out against the first respondent, as the proceedings against the second respondent had been stayed.
- 2 The Tribunal considered Rules 70 – 73 of Schedule 1 of the Employment

Tribunals (Constitution and Rules of Procedure) Regulations 2013 which deals with

1 **Case No. 2500935/21 & others**

reconsideration of Judgements. In accordance with Rule 73 thereof, the tribunal invited submissions from the parties before reconsidering its decision.

3 The Tribunal received submissions from both parties: - Firstly from the first claimant on 3 May 2022, who did not specifically comment on the reconsideration, other than to suggest that the claimants were still awaiting their redundancy payments. The second respondent responded by email on 4 May. They submitted that the first respondent, being the insolvent company, should also remain as a party to these proceedings because they act as statutory guarantor for the former employer. The second respondent submits that any potential award should be made against the first respondent so any recovery can be made against the National Insurance Fund. No submissions were made by the first respondent.

4 The Tribunal considered the submissions of the parties in particular noting the comments and determined that it could deal with the reconsideration without a hearing.

5 The Tribunal considers that it is in the interests of justice to vary or set aside the judgement of 20 October 2021.

For those reasons the judgement made on 20 October 2021 is hereby revoked.

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Employment Judge Martin

Date 19 July 2022

