



EMPLOYMENT TRIBUNALS (SCOTLAND)

5

Case Number: 4108754/2021

Employment Judge: D Hoey

10

Mr Alexander Cameron Miller

Claimant

15

Rhys Davies and Sons Limited (in administration)

Respondent

20

25

RECONSIDERATION JUDGMENT

30

The Tribunal grants the application for reconsideration submitted under cover of the claimant's agent's email of 22 November 2021 supplemented by the email of 17 January 2022, it being necessary in the interests of justice to reconsider the Tribunal's judgment dated 16 July 2021.

35

The date of dismissal of the claimant is amended from 23 December 2020 (as set out in the judgment dated 16 July 2021) and replaced with 22 December 2020. The remainder of the judgment stands.

REASONS

1. By judgment dated 16 July 2021 the Employment Judge declared that the claimant was entitled to a protective award, the requirements set out in section 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 having been satisfied.
- 5 2. There had been no response to the claim and the administrator had consented to the continuation of the proceedings.
3. The date of dismissal of the claimant had been stated by the claimant to be 23 December 2020 which was the date set out in the judgment for the purposes of a protective award.
- 10 4. The claimant's agent by email of 22 November 2021 supplemented by the email of 17 January 2022 asked that the judgment be reconsidered there having been an error as to the claimant's date of dismissal.
5. The original dismissal date of 23 December 2020 was incorrect. The claimant had erred in communicating that date to the solicitor who proceeded with the claim. The correct date of the claimant's dismissal was 22 December 2020.
- 15 6. In terms of rule 72(3) of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 consideration of an application to reconsider a judgment should be made by the Employment Judge who made the decision unless it is not practicable to do so in which case the Vice President shall appoint another Employment Judge to deal with the matter. In this case it was not practicable for the original Employment Judge to deal with the application and I was appointed to consider the application by the Vice President.
- 20 7. The application had not been refused under rule 72(2) and in all the circumstances having considered the facts in this case I considered it necessary in the interests of justice to grant the application.
- 25 8. It is necessary in the interests of justice to reconsider the judgment that was issued to correct the date of dismissal from 23 December 2020 to 22 December 2020.

9. The application to reconsider the judgment is therefore granted and the date of dismissal is altered from 23 December 2020 to 22 December 2020. The remainder of the judgment stands.

Employment Judge: D Hoey
Date of Judgment: 20 January 2022
Entered in register: 24 January 2022
and copied to parties

io

15