



EMPLOYMENT TRIBUNALS

Claimant: Ms Claire Brierley

Respondent: (1) Northfield Nursery
(2) Northfields Nursery Ltd
(3) Northfields Liversedge Ltd

Heard at: Leeds Employment Tribunal (via CVP) **On:** 23rd June 2022

Before: Employment Judge Flanagan (Sitting Alone)

Representation

Claimant: Mr J. Townend, Union Representative.

Respondent: Mr W. Haines, Consultant.

JUDGMENT

1. The Claimant was employed by Northfields Nursery Liversedge Ltd at the time of her dismissal on the 9th October 2021.
2. Following an application made on the 12th November 2021, Northfields Nursery Liversedge Ltd was dissolved on the 8th February 2022.
3. The assets, clients, employees and resources of Northfields Nursery Liversedge Ltd transferred to Northfields Liversedge Ltd after the 9th October 2021 but before the 12th November 2021.
4. The Tribunal was satisfied that Regulation 4 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 applied to the transfer, as there was a relevant transfer of an organised grouping of resources. Northfields Nursery Liversedge Ltd's rights, powers, duties and liabilities towards the Claimant therefore transferred to Northfields Liversedge Ltd.
5. Northfields Liversedge Ltd is therefore the correct Respondent to the Claimant's claims. It remains an active company and is potentially liable for the Claimant's claim, subject to the Tribunal's findings when the substantive hearing has been concluded.

6. With the consent of the parties, (1) Northfield Nursery and (2) Northfields Nursery Ltd are removed as Respondents to the Claim.

Employment Judge **Flanagan**

Date 23rd June 2022

Notes

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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