



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms J Gabay

**Respondent:** Paperchase Products Limited (in administration)

**Heard at:** Liverpool (CVP)

**On:** 5 January 2023

**Before:** Employment Judge Ainscough

## Representation

Claimant: Mr Mensah (Counsel)

Respondent: Not in attendance

**UPON APPLICATION** made by letter dated **18 July 2022** to reconsider the judgment under rule 71 Employment Tribunals Rules of Procedure 2013 dated **29 June 2022**.

# JUDGMENT

1. The judgment is revoked because there was a failure to serve the claim on the Secretary of State for Business Energy and Industrial Strategy. Rule 96 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides the Secretary of State for Business Energy and Industrial Strategy shall be entitled to appear and be heard at any hearing in relation to proceedings which may involve a payment out of the National Insurance Fund and shall be treated as a party.
2. In light of this failure rule 21 did not apply and the judgment is revoked.
3. The claimant's application for reconsideration raises an arguable point of law and in accordance with rule 96 the Secretary of State must be given an opportunity to respond.
4. The claim form, all relevant correspondence, the revoked judgment, the claimant's application for reconsideration and the claimant's written submissions will all be served on the Secretary of State.
5. The Secretary of State must respond to the claim within 28 days of service of the claim form and associated paperwork.

7. Employment Judge Ainscough has recused herself from the final hearing of this matter.

Employment Judge **Ainscough**  
**24 January 2023**

JUDGMENT SENT TO THE PARTIES ON  
3 February 2023

FOR THE TRIBUNAL OFFICE