



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Bradford

**Respondent:** i4 Technology Group Limited

## JUDGMENT

The respondent's application for a reconsideration of the judgment sent to the parties on 4<sup>th</sup> November 2022 is refused.

## REASONS

1. This is an application by the Respondent for reconsideration of the judgment sent to the parties on 4<sup>th</sup> November 2022. The Respondent wrote to the Tribunal by way of email dated 17<sup>th</sup> January 2023 and a subsequent email dated 2<sup>nd</sup> February 2023 confirmed that the Respondent wanted the request to be treated as a reconsideration.
2. The Tribunal's powers concerning reconsideration of judgments are contained in rules 70 to 73 of the Employment Tribunals Rules of Procedure 2013. A judgment may be reconsidered where "it is necessary in the interests of justice to do so." Applications are subject to a preliminary consideration. They are to be refused if the judge considers there is no reasonable prospect of the decision being varied or revoked. If not refused, the application may be considered at a hearing or, if the judge considers it in the interests of justice, without a hearing. In that event the parties must have a reasonable opportunity to make further representations. Upon reconsideration the decision may be confirmed, varied or revoked and, if revoked, may be taken again.
3. Under rule 71 an application for reconsideration must be made within 14 days from the date on which the judgment (or written reasons, if later) was sent to the parties. Unfortunately for the Respondent, the application is made out of time on any reading and is refused on this basis.
4. Regardless of the difficulties in relation to the timing of the application, it is the view of the Tribunal that the application would have been dismissed if it had been made within the specified time period.

5. The approach to be taken to applications for reconsideration was set out in the case of **Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA** in the judgment of Simler P. The tribunal is required to:
  - 5.1 identify the Rules relating to reconsideration and in particular to the provision in the Rules enabling a Judge who considers that there is no reasonable prospect of the original decision being varied or revoked refusing the application without a hearing at a preliminary stage;
  - 5.2. address each ground in turn and consider whether there is anything in each of the particular grounds relied on that might lead the ET to vary or revoke the decision; and
  - 5.3. give reasons for concluding that there is nothing in the grounds advanced by the Claimant that could lead him to vary or revoke his decision.
6. The basis for the Respondent's reconsideration request is that he was not aware of the proceedings until he received an order for enforcement made in the County Court at Gloucester and Cheltenham. It is stated that the order for recovery arrived with the Respondent on 2<sup>nd</sup> January 2023. In the emails sent to the Tribunal, Mr Thomas, on behalf of the Respondent, states that the initial ET1 was sent on 14<sup>th</sup> April 2021 to an address at M Sparc Menai Science Park, Gaerwen, Anglesey, LL60 6AA Wales. He states that the reason that the ET1 was not received is that the registered office was changed to Telford Lodge, Benarth Road, Conwy, LL32 8UB on 15 April 2021. The information advanced by the Respondent corresponds with the date of service on the Tribunal file and the information readily available on the Companies House website.
7. At first glance, there may be some justification in listing a hearing for the purpose of reconsideration. The difficulty that the Respondent faces is that the ET1 was subsequently reserved by the Tribunal on 7<sup>th</sup> October 2021 at the address of Regus House, Herons Way, Chester Business Park, Chester, Cheshire, CH4 9QR. The Regus House address was the Respondent's registered address from the 14<sup>th</sup> July 2021 until 17<sup>th</sup> January 2022 when it was changed to 83 Ducie Street, Manchester, M1 2JQ. Accordingly, based on the evidence currently available, the Tribunal is satisfied that the claim form was properly served at the Respondent's registered address.
8. For the reasons outlined above, the claim was properly served on the Respondent on 7<sup>th</sup> October 2021 and the Tribunal concludes that there are no reasonable prospects of the original decision being varied or revoked. The application is refused without a hearing.

**Case Number: 1600402/2021**

Employment Judge G Duncan  
Dated: 3<sup>rd</sup> March 2023

JUDGMENT SENT TO THE PARTIES ON 6 March 2023

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS Mr N Roche