

Case: 1807250/2022



EMPLOYMENT TRIBUNALS

Appellant: FCC Environment (UK) Limited
Respondent: Simon Mark Melksham

AT A PUBLIC PRELIMINARY HEARING

Heard at: Leeds by telephone conference call **On:** 24th March 2023
Before: Employment Judge Lancaster

Representation

Appellant: Ms R Morgan, solicitor
Respondent: Mr J Towey, enforcement lawyer Health & Safety Executive

Health & Safety at Work Act 1974 section 24 and Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, rule 105.

JUDGMENT

1. BY CONSENT, the title of the Appellant is amended from Mr P Stokes to FCC Environment (UK) Limited, and the incorrectly named Respondent, Dr Sara Lumley, is removed from these proceedings.
2. The Tribunal has no jurisdiction to hear the appeal against a prohibition notice because it was not brought within 21 days of the issue of that notice when it would, admittedly, have been reasonably practicable to have done so.
3. Pursuant to rule 65 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, this judgment dismissing the appeal will not, however, take effect from the day it is given but only from the later specified date of 19th May 2023.

EMPLOYMENT JUDGE LANCASTER

DATE 24th March 2023

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FOR SECRETARY OF THE TRIBUNALS

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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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