



EMPLOYMENT TRIBUNALS

Claimant: Mr P Carey

Respondent: Kershaw Mechanical Services Limited (In Administration)

JUDGMENT BY CONSENT

UPON reading the joint application submitted by the Claimant and the Respondent.

AND UPON the parties having agreed to the terms of the Judgement set out below by consent.

The Judgement of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

1. Permission for the claim presented by the Claimant against the Respondent, and the lifting of the moratorium in relation to that claim was granted by the administrators on 27 February 2023. This is subject to the conditions agreed by the Claimant on 27 February 2023 following correspondence from the Respondent on 28 September 2022.
2. The Claimant was employed by the Respondent.
3. In relation to the Claimant's the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
4. The Respondent is ordered to pay remuneration to the Claimant for a protected period of 60 days beginning on 1 April 2022 (being the date on which the first dismissal to which this claim relates took effect).
5. The Claimant has claims for unfair dismissal, wrongful dismissal/notice pay, unlawful deductions from wages and breach of Regulation 14 of the Working Time Regulations 1998 in the Employment Tribunal against the Respondent and confirms withdrawal of these claims in accordance with Rule 51 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the "**ET Rules**"). Those claims are hereby dismissed upon withdrawal by the Tribunal under Rule 52 of the ET Rules.
6. Other than the claims at paragraph 5 the Claimant has no other claims in the Employment Tribunal against the Respondent.

7. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.
8. Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the Respondent (rather than the Secretary of State) pursuant to this Judgement will be paid as an unsecured dividend and the Claimant agrees that he will not rank or be otherwise payable as an expense of the administration or any subsequent liquidation.
9. There shall be no order as to costs or interest and each party shall bear their own costs in these proceedings.

Regional Employment Judge Foxwell

Dated: 7 March 2023

Judgment sent to the parties on

Date: 28/03/2023

For the Tribunal office