



# EMPLOYMENT TRIBUNALS

Claimant: Mrs K Tucker  
Respondent: Mr Kian Johnson

## JUDGMENT TO RECONSIDER A RULE 21 JUDGMENT

It is determined that the Rule 21 judgment of the tribunal dated 25 May 2022 be reconsidered resulting in that judgment being revoked.

This claim will now progress to final determination along with claim 1400969/2022.

### REASONS

1. This claim had been consolidated with 1400969/2022 a claim brought by Miss J Taffs against the same Respondent.
2. By Judgment dated 24 February 2023 Employment Judge Self heard claim 1400969/2022. He determined that the Miss J Taffs' claim for unlawful deduction of wages and failure to pay the minimum wage should be postponed until 10 a.m. on 4 May 2023.
3. In his judgment he identified that the claim, although served on the Respondent, did not have an ACAS certificate in the name of that Respondent.
4. This matter was drawn to the attention of Employment Judge Gray as the same issue appeared to apply to this claim. The ACAS certificate is in the name of a Company and not the individual.
5. Employment Judge Rayner had directed at the vetting stage that this claim should be served on the company. However, for reasons that are not apparent on the Tribunal file, the claim was then issued against the named individual. As no response was received it was directed that a rule 21 Judgment could be issued against the Respondent which is the judgment now subject to this reconsideration.
6. By correspondence to the parties sent on the 15 March 2023 it was confirmed that Employment Judge Gray was proposing to reconsider the Rule 21 Judgment made against Kian Johnson and dated the 25 May 2022, pursuant to Rules 70, 72 and 73 of the Employment Tribunal Rules of

Procedure.

7. In accordance with Rule 73 the Employment Judge informed the parties that the reasons why the Judgment is being reconsidered on the Tribunal's own initiative is that it appears the claim should not have been served on Kian Johnson as the ACAS certificate relied upon by the Claimant names The Coffee Stop Poole. Therefore, it is considered that the Rule 21 Judgment against Kian Johnson should be revoked.
8. It was also confirmed that the Employment Judge considered that a hearing was not necessary in the interests of justice to determine the reconsideration but (in accordance with Rule 72(2)) gave the parties reasonable opportunity to make written representations. The Judge requested that the parties provide any written representations they wish to make by the 28 March 2023, and that they copy any response they do make to the other party at the same time.
9. No correspondence has been received from the parties.
10. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so. In view of the undisputed matters in this claim, in particular that the claim should not have been served on Kian Johnson as the ACAS certificate relied upon by the Claimant names The Coffee Stop Poole, it is in the interests of justice to reconsider the Rule 21 Judgment and revoke the same.
11. That judgment is therefore now revoked and this claim, which remains consolidated with 1400969/2022, can proceed for determination on the 4 May 2023.

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Employment Judge Gray  
Date: 4 April 2023

Judgment sent to the parties on

For the Tribunal Office