



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Mr M Stannett  
(2) Mr A Stannett

**Respondent:** Topsham Restaurants Ltd

## JUDGMENT

The claims of unfair dismissal and for redundancy payments are struck out.

## REASONS

1. The claimants complain of unfair dismissal and seek a redundancy payment.
2. Section 108 of the Employment Rights Act 1996 requires a Claimant to have not less than two years' service to make an unfair dismissal complaint.
3. Under section 155 of the Employment Rights Act 1996 employees do not have a right to a redundancy payment unless they were employed for two years or more
4. The Claimants were employed by the Respondent for less than two years.
5. Therefore, the Claimants are not entitled to bring these claims.
6. The Claimants have failed to give an acceptable reason, despite being given the opportunity to do so, why these complaints should not be struck out.
7. Accordingly, the claims of unfair dismissal and for a redundancy payment are struck out.
8. The claims of breach of contract/unlawful deductions from wages in respect of the First Claimant's expenses shall proceed.

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Employment Judge Bax  
Date: 19 June 2023

Judgment sent to the parties on 31 July 2023

For the Tribunal Office