



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4107788/2022 and others

Final Hearing held in chambers in Dundee on 28 July 2023

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Employment Judge A Kemp

Ms Lorna Hutchison and 19 others

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**Claimants
Represented by:
Mr W Bolling,
Director**

Tayprint Ltd (in liquidation)

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**First respondent
No appearance or
representation**

**Secretary of State for Business, Energy
& Industrial Strategy**

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**Second respondent
Written submissions
only from:
Ms Sherron Dobson,
RPS Tribunal Officer**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Tribunal makes a declaration under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 that the first respondent was in breach of its obligations under section 188 of that Act, and makes a protective award of 90 days under section 189 of that Act.

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REASONS

1. There was a Final Hearing held in person on 17 March 2023. The claims are made by a total of 20 claimants for a protective award under the Trade Union and Labour Relations (Consolidation) Act 1992. The first respondent was the employer of the claimants, and has gone into liquidation. It did not appear. Its Joint Liquidator has written to consent to the awards sought. The second respondent appears for its interest, and provided written submissions for the Final Hearing. The second respondent did not appear at the Final Hearing.
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2. Following that hearing I issued a Judgment, part of which was to find that the case was within the jurisdiction of the Tribunal and a part of which was to sist the case to enable the consent of the court to be sought for these proceedings, for the reasons set out in the Judgment.
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3. The Court of Session granted an interlocutor on 26 July 2023 giving such consent, and that has now been provided to me. As I have found that the Tribunal has jurisdiction, and now have the evidence of the consent of the court to which I referred in the earlier Judgment, I am able to make a decision on the merits of the claim.
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4. As I have stated the first respondent has not defended the claim, indeed its liquidator wrote in effect to support the award being sought. I was satisfied from the evidence I heard at the Final Hearing both that a protective award should be made, and that it should be made for the maximum period of 90 days. I have taken account of the written submissions for the second respondent.
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5. There were 20 employees at the first respondent's establishment which it proposed to dismiss, and did dismiss, on the same date. There was it appeared to me a wholesale failure by the first respondent to comply with its statutory duties (the terms of which duties were set out in the earlier Judgment).
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6. In such a situation, it appeared to me that it was appropriate to make the declaration and award as set out above. I do so under the terms of Rule 21 of the Employment Tribunal Rules of Procedure.
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Employment Judge : A Kemp
Date of Judgment : 08 August 2023
Date sent to parties: 14 August 2023

Schedule

Ms L Hutchison & others
v
Tayprint Ltd (in liquidation)
and
Secretary of State for Business, Energy & Industrial Strategy

Case Number	Claimant
4107788/2022	Ms Lorna Hutchison
4107789/2022	Mr Kevin Stephen Geoghegan
4107790/2022	Mr David Kenneth Peters
4107791/2022	Mr Scott James Reid
4107792/2022	Mr Clark Brown
4107793/2022	Mr Lucasz Nogowski
4107794/2022	Mr Paul Stewart Brown
4107795/2022	Mr Robert Jan Sacowicz
4107796/2022	Mr Gavin John Dye
4107797/2022	Mr Arran Green
4107798/2022	Mr Craig Fortheringham
4107799/2022	Mr Liam McMillan

	4107800/2022	Mr Liam Harvey
5	4107801/2022	Mr Blair Lindsay
	4107802/2022	Ms Lorna Hutchison
10	4107803/2022	Mr Gavin Hood
	4107804/2022	Mr Christopher Harris
15	4107805/2022	Mr Gary Morrison
	4107806/2022	Ms Fiona Hoyland
20	4107807/2022	Mr Gregor Green
	4107808/2022	Mr Michael Kane
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