



EMPLOYMENT TRIBUNALS

Claimant Mr Ryan Box & 22 others

Respondents:

- (1) MSold1 Limited (in compulsory liquidation)
- (2) Inc & Co Limited
- (3) OLDMSO1351161009032023 LTD (in compulsory liquidation)
- (4) The Secretary of State for Business, Energy and Industrial Strategy

Heard at Croydon (by video) **On** 30 October 2023

Before Employment Judge Fowell

Representation

Claimant Mohammed Balal of Aticus Law Solicitors

Respondents No appearance

JUDGMENT

On it appearing to the Tribunal that:

- a. The claim concerns an alleged breach of the duty of collective consultation under section 188 Trade Union & Labour Relations (Consolidation) Act 1992 (**the Act**).
- b. The asset purchase agreement purportedly transferring the employment of the claimants from the first respondent to the third respondent (**the Transfer**) was declared void by court order on 18 November 2022, and accordingly the claimants remained employees of the first respondent.
- c. The second respondent company was established to effect the Transfer by stages but there is no record of its existence at Companies House.
- d. The fourth respondent was not at any time the employer of the claimants and so cannot be liable for the payment of a protective award.

e. The first respondent has not submitted any response to the claim.

IT IS DECLARED THAT the complaints by each claimant against the first respondent for failure to comply with the requirements of section 188 of the Act with regard to the election of employee representatives are well-founded.

IT IS ORDERED THAT:

1. The claims against the second, third and fourth respondents are dismissed.
2. Judgment is given for each of the claimants against the first respondent.
3. Each claimant is entitled to a protective award for the maximum period of 90 days.
4. A full list of the claimants is annexed to this Judgment.
5. These proceedings are stayed for the period of three months pending an application to the Redundancy Payments Service in respect of the protective awards.

Employment Judge Fowell

Date 30 October 2023

LIST OF CLAIMANTS

1. Ryan Box
2. Adrian Downer
3. Alys Faultless
4. Joe Ford
5. Priya George
6. Finlay Goodman
7. Laura Hodgson
8. Charlotte Kinder
9. Charlotte Lacey
10. Darren Lighton
11. Nikki Longhurst
12. Mares Marinas
13. Egidijus Norvaisas
14. Sharon Perry
15. Matthew Powell
16. Kimberley Quince
17. Mantas Raulickis
18. James Reynolds
19. Laura Ritchie
20. Gary Sinclair
21. Paul Smith
22. Louis Smith
23. Shannon Williams