



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4107788/2022 & others
Claimant: Ms L Hutchison & others
Respondent: 1. Tayprint Limited (In Liquidation)
2. Secretary of State for Business, Energy & Industrial Strategy

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

In accordance with the power set out in Rule 69 of the Employment Tribunal Rules of Procedure 2013, I hereby correct the clerical mistake(s), error(s) or omissions(s) in the Judgment sent to the parties on 14 August 2023, by adding at the end of the Judgment paragraph:

The protective period commenced on 26 August 2022.

An amended version of the Judgment is attached.

Important note to parties:

Any dates for the filing of appeals or reconsideration are not changed by this certificate of correction or the amended Judgment or Case Management Order. These time limits still run from the date of the original Judgment or Case Management Order, or if reasons were provided later, from the date that those were sent to you.

Signed A Kemp Employment Judge

Date: 22 August 2023

Sent to parties 29 August 2023



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**

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**Tayprint Ltd (in liquidation)
C/O Begbies Traynor (Central) LLP**

**First respondent
No appearance or
representation**

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Secretary of State for Business, Energy

**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. The protective period commenced on 26 August 2022.

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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.
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.
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.
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.
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).

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.

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 |

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|----|--------------|------------------------|
| | 4107798/2022 | Mr Craig Fortheringham |
| 5 | 4107799/2022 | Mr Liam McMillan |
| | 4107800/2022 | Mr Liam Harvey |
| 10 | 4107801/2022 | Mr Blair Lindsay |
| | 4107802/2022 | Ms Lorna Hutchison |
| 15 | 4107803/2022 | Mr Gavin Hood |
| | 4107804/2022 | Mr Christopher Harris |
| 20 | 4107805/2022 | Mr Gary Morrison |
| | 4107806/2022 | Ms Fiona Hoyland |
| 25 | 4107807/2022 | Mr Gregor Green |
| | 4107808/2022 | Mr Michael Kane |
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