



Reserved Judgment

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondent

Dr L Fenniche

Government of the State of Kuwait

JUDGMENT ON REMEDY OF THE EMPLOYMENT TRIBUNAL

SITTING AT: London Central

ON: 29-31 January 2024

BEFORE: Employment Judge A M Snelson MEMBERS: Ms Z Darmas
Mr R Baber

Recitals:

Judgment on liability having been given in favour of the Claimant on 18 January 2023;

And the matter having come before the Tribunal again for decision on the Claimant's claims for remedy;

And the Tribunal having heard evidence on both sides and the submissions of Mr J Platts-Mills, counsel, on behalf of the Claimant and Mr M Sethi KC, leading counsel, on behalf of the Respondents;

And the Tribunal having made and announced orally a series of determinations on points of principle bearing upon the remedy issues;

And those determinations having included the holding that the sole claim before the Tribunal is a claim 'in respect of ... personal injury' within the meaning of the State Immunity Act 1978, s5 (all other pleaded claims having been barred by state immunity);¹

And it being the common view of the parties and the Tribunal that, in the circumstances, the entirety of the compensation and interest provided for in the Judgment below, in respect of both pecuniary and non-pecuniary loss, is excluded

¹ This holding was made for the avoidance of doubt, and repeats that of Employment Judge Brown in a reserved judgment sent to the parties on 24 March following a preliminary hearing on 22 January 2021.

from the ambit of the Income Tax (Earnings and Pensions) Act 2003, Part 6, Chapter 3 by operation of s406(1)(b) of that Act, and the Tribunal so determining;²

And, upon the strength of the Tribunal's determinations, the parties having agreed as figures the various awards of compensation and interest which follow;

Judgment

THE TRIBUNAL ORDERS the Respondent to pay to the Claimant compensation under the following heads and interest as follows:

(1)	Pain, suffering and loss of amenity:	£ 41,846
(2)	Interest on (1):	£ 15,265
(3)	Past loss of earnings:	£232,515
(4)	Interest on (3):	£ 42,411
(5)	Future medical care:	£ 3,940
(6)	Future loss of earnings:	<u>£215,074</u>
	<u>TOTAL</u>	<u>£551,051</u>

Employment Judge Snelson
01/02/2024

Judgment entered in the Register and copies sent to the parties on 01/02/2024

..... for Office of the Tribunals

² It is for this reason that, as the parties agree, no part of the award is taxable in the Claimant's hands and accordingly, the Tribunal does not 'gross up' any element of it.