



EMPLOYMENT TRIBUNALS

Heard at: Croydon (by video) **On:** 22 January 2024

Claimant: Mr Brian Kane

Respondent: (1) Crosslend Gmbh (HRB 160 198 B)
(2) The Thing Gmbh (HRB 247 293 B)
(3) Crosslend Investment Advisory Gmbh (HRB 239925)

Before: Employment Judge Fowell

Representation:

Claimant In Person

Respondent Mr John Thickness, Solicitor, Clientside Law

JUDGMENT

1. The Tribunal has territorial jurisdiction to consider all of the claims.
2. On the agreement of the parties, the claims are dismissed against the following respondents:
 - (2) Crosslend Gmbh (Company Number FC038830)
 - (3) Crosslend Gmbh (UK Establishment Number BR023925)
 - (4) Crosslend Limited (Company Number 142077481)
 - (6) Crosslend Sarl (B216.959) Luxembourg
3. The remaining respondents are:

- (1) Crosslend Gmbh (HRB 160 198 B)
- (5) The Thing Gmbh (HRB 247 293 B)
- (7) Crosslend Investment Advisory Gmbh (HRB 239925)
4. Henceforth they will be referred to as the first, second and third respondents respectively.
5. The remaining respondents are jointly and severally liable to pay the statutory redundancy payment to the claimant in the sum of £3,426.
6. The remaining claims will proceed to a hearing on **22 July 2024**

REASONS

The territorial issue

1. The issue of territorial jurisdiction has been conceded by the respondents. Although territorial jurisdiction is not a matter for the agreement of the parties the fact is agreed that the claimant was employed in the United Kingdom throughout and so the Tribunal has jurisdiction to hear all the claims under the Employment Rights Act 1996 and for breach of contract. The Tribunal also has jurisdiction to consider any transfer of undertaking in the United Kingdom.

The correct respondents

2. The claimant's case is that he was employed by the first respondent. The respondents say that his employment transferred to the third respondent (previously the seventh respondent) before his dismissal. The third respondent is now in liquidation and the respondent's case is that a further transfer has taken place to the second respondent which may therefore be liable for any award in these proceedings. Otherwise, neither side is contending that the other respondents were the employer at the time of the claimant's dismissal and so they are removed as parties.

Statutory redundancy payment to the claimant in the sum of £3,426.

3. Having conceded that UK law and jurisdiction applies to the claim, and given that the respondents rely on redundancy as the reason for dismissal, they also accept their liability to make a statutory redundancy payment in the agreed sum of £3,426.

Employment Judge Fowell

Date 22 January 2024

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>