



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4105258/2024 & others (as per attached schedule)

Employment Judge Sangster

R Nelson & others (as per attached schedule)

**Claimants
Represented by:
Mr P Kissen
Solicitor**

JAMES PENMAN (PLANT HIRE) LIMITED (In Liquidation)

Respondent

JUDGMENT

Rule 22 of the Employment Tribunal Procedure Rules 2024

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 22:

1. The claimants are entitled to bring this claim because the complaint concerns a failure relating to the election of employee representatives, and the claimants were employees dismissed as redundant.
2. No response was presented to this claim within the applicable time limit.
3. The respondent is in compulsory liquidation but the relevant court granted permission for the continuation of these proceedings on 18 March 2025.
4. The complaint that the respondent failed to comply with a requirement of

section 188 or section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.

5. The respondent dismissed as redundant more than 20 employees at one establishment within a period of 90 days or less.
6. The respondent failed to ensure that employee representatives were elected in accordance with s.188A, and then to consult with them in accordance with s.188.
7. The Tribunal makes a protective award in respect of each claimant and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 04 March 2024 and is for 90 days.

Date sent to parties

13 May 2025

	Multiple Schedule	
Multiple:	4100734 - JAMES PENMAN (PLANT HIRE) LIMITED	
Case Number	Claimant	Respondent
4105258/2024	R Nelson	JAMES PENMAN (PLANT HIRE) LIMITED (In Liquidation)
4105259/2024	Mr R Nelson	JAMES PENMAN (PLANT HIRE) LIMITED
4105260/2024	Mr M Wright	JAMES PENMAN (PLANT HIRE) LIMITED
4105261/2024	Mr J Balmain	JAMES PENMAN (PLANT HIRE) LIMITED
4105262/2024	Mr G Fowler	JAMES PENMAN (PLANT HIRE) LIMITED
4105263/2024	Mr M Fowler	JAMES PENMAN (PLANT HIRE) LIMITED
4105264/2024	Mr T Paterson	JAMES PENMAN (PLANT HIRE) LIMITED
4105265/2024	Mr K Lightfoot	JAMES PENMAN (PLANT HIRE) LIMITED
4105266/2024	Mr D Lawlor	JAMES PENMAN (PLANT HIRE) LIMITED
4105267/2024	Mr C Stephen	JAMES PENMAN (PLANT HIRE) LIMITED
4105268/2024	Mr G MacLean	JAMES PENMAN (PLANT HIRE) LIMITED
4105269/2024	Mr M Tracey	JAMES PENMAN (PLANT HIRE) LIMITED
4105270/2024	Mr C Connelly	JAMES PENMAN (PLANT HIRE) LIMITED
4105271/2024	Mr R Keith	JAMES PENMAN (PLANT HIRE) LIMITED
4105272/2024	Mr K Pitcaithly	JAMES PENMAN (PLANT HIRE) LIMITED
4105273/2024	Mr D Clark	JAMES PENMAN (PLANT HIRE) LIMITED
4105274/2024	Mr J Macdonald	JAMES PENMAN (PLANT HIRE) LIMITED
4105275/2024	Mr J Rosie	JAMES PENMAN (PLANT HIRE) LIMITED
4105276/2024	Mr L Thomson	JAMES PENMAN (PLANT HIRE) LIMITED
4105277/2024	Mr R Laird	JAMES PENMAN (PLANT HIRE) LIMITED
4105278/2024	Mr P Bailey	JAMES PENMAN (PLANT HIRE) LIMITED
4105279/2024	Mr T Murray	JAMES PENMAN (PLANT HIRE) LIMITED
4105280/2024	Mr T McHale	JAMES PENMAN (PLANT HIRE) LIMITED