



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000210/2026

Held in Glasgow (by Cloud Video Platform) on 10 April 2026

Employment Judge E Mannion

Mr S Law

**Claimant
In person**

Scotia Hotels Limited

**Respondent
Represented by:**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the tribunal is as follows:

1. The claim under Section 8 of the Employment Rights Act 1996 can proceed. A separate Notice of Hearing will follow.
2. The claim under Section 11 of the Employment Rights Act 1996 is struck out under Rule 38 of the Employment Tribunal Rules of Procedure 2024 as having no reasonable prospect of success.
3. The claim for a failure to comply with Section 1 of the Employment Rights Act 1996 is struck out under Rule 38 of the Employment Tribunal Rules of Procedure 2024 as having no reasonable prospect of success.

REASONS

1. This is a claim of failure to provide pay statements under Section 11 and 8 of the Employment Rights Act 1996 ("the ERA") and a failure to provide a written statement of particulars of employment contrary to Section 1 of the ERA. It was originally brought as a Section 11 claim only and then amended.
2. By notice and order of 23 February 2026 the claimant was called upon to set out why his claim should not be dismissed on the basis that it is not in dispute

that the respondent complied with it's duty to provide itemised pay statement before the claim was raised and so complied with their Section 11 requirements.

3. By letter dated 23 February 2026, the claimant confirmed that his case was that the respondent failed to comply with their requirements under Section 8 of the ERA in that they did not provide pay statements at the time of payment.
4. A preliminary hearing was scheduled to consider if the case could proceed or should be dismissed.
5. At the hearing, the claimant confirmed that he received pay statements late, and only after following this up with the respondent. He conceded that he has since been provided with further copies of these statements. He therefore does not have a claim under Section 11. He confirmed his issue is the fact the statements were not given at the time of payment.
6. It was explained that if he proceeded with his Section 8 claim, he would not be entitled to any compensation and that the only remedy available was a declaration from the tribunal that the respondent did not provide a pay statement at the time of payment. He confirmed that he wanted this declaration. In consideration of the overriding objective, particularly the need to save expense and to avoid formality of proceedings, we discussed whether the matter could be resolved in the course of the hearing. This was not possible as there is a dispute in facts which requires evidence to be heard. The claimant asserts he was not provided with pay statements at the time of payment while the respondent asserts that they were made available to the employees in the respondent premises. The claimant asserts he was not made aware of this. The respondent was represented and the instructing client was not available to give evidence on this area of dispute. Given the scope of the hearing, it was not unreasonable for the respondent to be absent.
7. In terms of the Section 1 claim, it was explained to the claimant that this is essentially a piggy back claim and can only succeed and remedy granted if another relevant claim is successful. The Section 8 (or 11) claims are not relevant claims and so that cannot proceed.
8. I determined that the only claim that could proceed was the Section 8 claim. The Section 11 claim is a moot point as the pay statements have since been provided. The Section 8 claim is not one contained in Schedule 5 of the Employment Act 2002 and the Section 1 claim cannot succeed. In keeping with the overriding objective and proportionality, both the Section 11 and Section 1 claims were struck out.

Date sent to the parties

18 June 2026
