EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000480/2026

Employment Judge: A Kemp

E Davidson	**Claimant**
Ness Drinks Ltd	**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 respondent has made an unauthorised deduction from wages by not paying the full wages due, and is ordered to pay the claimant the gross sum of One Thousand Three Hundred and Eighty Nine Pounds and Fifty Eight Pence (£1,389.58) (based on Monthly Wage for November £2,314.58 less £925.00 already paid).

2. The respondent has failed to pay the claimant's holiday entitlement, has made an unauthorised deduction from wages accordingly and is ordered to pay the claimant the gross sum of Six Hundred and Eighty Pounds (£680) (calculated on the basis of 5 days x 8 hours per day x £17.00 per hour).

3. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay 2 week's gross pay in damages to the claimant in the sum of One Thousand and Sixty Eight Pounds and Twenty Seven Pence (£1,068.27) (calculated on the basis of £2,314.58 x12÷52 x 2).

4. The respondent failed to comply with their duty to provide the claimant with a written pay statements and shall pay to the claimant the gross sum of One Thousand Three Hundred and Sixty Pounds (£1,360.00) (calculated on the basis of 40 hours x £17 per hour) being two week's pay in terms of s38 of the Employment Act 2002. (The tribunal has no information before it which would suggest that in the circumstances it is just and equitable to award the higher amount provided for in s38.).

The total sum awarded to the claimant and payable by the respondent is therefore four THOUSAND FOUR HUNDRED AND NINETY SEVEN POUNDS EIGHTY FIVE PENCE (£4,497.85).

The respondent shall be at liberty to deduct from the above sums prior to making payment to the claimant such amounts of Income Tax and Employee National Insurance Contributions (if any) as it may be required by law to deduct from a payment of earnings of that amount made to the claimant, and if it does so, duly remits such sums so deducted to HM Revenue and Customs, and provides to the claimant written evidence of the fact and amount of such deductions and of the sums deducted having been remitted to HMRC, and payment of the balance to the claimant shall satisfy the requirements of this judgment.

Date sent to parties 24 June 2026