



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr N Rogers  
Mr K Webb  
Mr M Brown

**Respondent:** Marshall Motor Group

**Heard at:** Croydon by CVP

**On:** 24 September 2024

**Before:** Employment Judge Liz Ord

**Representation:**

Claimants: All in person  
Respondent: Mr A Bevan (Solicitor)

## JUDGMENT

1. The Respondent's application to strike out the Claimants' claims on the basis that they have no reasonable prospect of success, is granted. All claims are struck out.
2. The hearing listed for 6 January 2025 is vacated.

## REASONS

1. The Claimants' employment transferred from the Respondent to Steven Eagle Limited on 30 June 2023. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) applied.
2. The events giving rise to the claims occurred before the transfer.
3. Regulation 4(2) of TUPE states:  
  
"Without prejudice to paragraph (1), but subject to paragraph (6), and

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regulations 8 and 15(9), on completion of a relevant transfer-

- (a) all the transferor's rights, powers, duties and liabilities under or in connection with any such contract shall be transferred by virtue of this regulation to the transferee, and
  - (b) any act or omission before the transfer is completed, of or in relation to the transferor in respect of that contract or a person assigned to that organised grouping of resources or employees, shall be deemed to have been an act or omission of or in relation to the transferee."
4. Regulation 4(6) relates to liability for criminal offences; regulation 8 concerns insolvency; and regulation 15(9) applies where there has been a failure to consult. The Claimants agreed that none of these applied.
5. Therefore, by virtue of regulation 4(2) of TUPE, the claims have no reasonable prospect of success against the Respondent.

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Employment Judge Liz Ord

Dated: 24 September 2024