



EMPLOYMENT TRIBUNALS

Claimants: Mr G Hitchen
Miss C Cranshaw
Mr K Lowe

Respondents: 1. The Secretary of State for Business, Energy and Industrial Strategy
2. The Secretary of State for Business and Trade
3. Lunar Automotive Limited (in compulsory liquidation)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claims were issued in the North West Employment Tribunals on 21 April 2023.
2. The claimants were employed by the third respondent, which has been in compulsory liquidation since 31 May 2022.
3. Following the dissolution of the Department of Business, Energy and Industrial Strategy, there is no longer a Secretary of State for Business, Energy and Industrial Strategy but a Secretary of State for Business and Trade.
4. This claim is brought under section 188 Employment Rights Act 1996 about the failure of the responsible Secretary of State to make payments due following an application made under section 182 of that Act (payments due to be paid by the Secretary of State out of the National Insurance Fund, in respect of certain debts due on insolvency of the employee's employer).
5. The correct respondent to this claim is, therefore, the Secretary of State for Business and Trade. The first and third respondents are removed, under rule 34, as being wrongly included. Further references in this judgment to the respondent are to the Secretary of State for Business and Trade.

6. The respondent has failed to present a valid response to the claims on time. The Employment Judge has decided that a determination can properly be made of the claims in accordance with rule 21 of the Rules of Procedure.
7. The Tribunal declares that the respondent ought to make payments to the claimants under section 182 Employment Rights Act 1996 and that the amounts the Secretary of State ought to pay are as follows:

Mr G Hitchen

Balance of holiday pay due: £1972.28 gross.
Balance of notice pay due: £2753.28
Balance of arrears of pay due: £814.

Miss C Cranshaw

Balance of holiday pay due: £1902.75.

Mr K Lowe

Balance of notice pay due: £3,536.41.
Balance of arrears of pay due: £2282.

Employment Judge Slater

Date: 13 May 2024

JUDGMENT SENT TO THE PARTIES ON
21 May 2024

.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: 2404604/2023, 2404605/2023 & 2404609/2023

Name of cases: Mr G Hitchen, Miss C Cranshaw & Mr K Lowe v The Secretary of State for Business and Trade

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 21 May 2024

"the calculation day" is: 22 May 2024

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.