



EMPLOYMENT TRIBUNALS

Claimant: Miss L Waters

Respondent: Carlos Matto t/a Oval Bookkeeping Company

Heard at: Manchester

On: 10 February 2020

Before: Employment Judge Sherratt

REPRESENTATION:

Claimant: Ms N Birchall (Mother)

Respondent: Response not received

JUDGMENT

The judgment of the Tribunal is that the respondent has made an unlawful deduction from the claimant's wages and is ordered to pay to the claimant the gross sum of £847.50.

REASONS

1. The amount payable to the claimant is based on 22 days worked in October and November 2019 at £55 per day = £1,210 less £362.50 paid.
2. The claimant brought her claim against Carlos Matto-Oval Bookkeeping Company.
3. Carlos Matto is the only director of Oval Bookkeeping Company Ltd, company registered number 12024552.
4. Mr Matto on 16 December 2019 made an application to the Registrar of Companies on form DSO1 to strike the company off the register on a voluntary basis. His signature was adjacent to a warning to all applicants that it is an offence to knowingly or recklessly provide false or misleading information on the application form.

5. By signing the application form Mr Matto confirmed that none of the circumstances described in section 1004 or 1005 of the Companies Act 2006 (being circumstances in which the directors would otherwise be prohibited under those sections from making an application) existed in relation to the company.

6. Section 1004 of the Companies Act 2006 provides that:

“An application for voluntary striking off on behalf of a company must not be made if at any time in the previous three months the company has –

(b) traded or otherwise carried on business.”

7. On the basis of Mr Matto’s application signed on 16 December 2019 it must be the case that the limited company was not carrying on business in October and November 2019 when the claimant was working and therefore she was employed by Mr Matto personally and he is the correct respondent to the claim.

Employment Judge Sherratt

20 February 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON
27 February 2020

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 number: **2414511/2019**

Name of case: **Miss L Waters** v **Carlos Matto t/a Oval Bookkeeping Company**

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: 27 February 2020

"the calculation day" is: 28 February 2020

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

MR S ARTINGSTALL
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/publications/employment-tribunal-hearings-judgment-guide-t426

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.