



EMPLOYMENT TRIBUNALS

Claimant: Mr C Braid

Respondents: 1. Arnold Sanderson Limited (in creditors' voluntary liquidation)
2. Abbey Logistics Group Limited

Heard at: Liverpool **On:** 1 December 2021

Before: Employment Judge Horne

Representatives

For the claimant: Ms L Halsall, counsel

For the respondent: Ms C Clapham, solicitor

JUDGMENT AT A PRELIMINARY HEARING

1. The tribunal has jurisdiction under sections 163 and 164(1)(c) of the Employment Rights Act 1996 to consider the reference to determine entitlement to a redundancy payment from Abbey Logistics Group Limited ("Abbey"), regardless of the operation of section 207B of that Act.
2. The following complaints against Abbey were presented within the statutory time limit:
 - 2.1. Unfair dismissal
 - 2.2. Claim for damages for breach of contract (wrongful dismissal)
 - 2.3. Unlawful deduction from holiday pay for accrued annual leave on termination of employment
3. This determination was made on the tribunal's finding that:
 - 3.1. The effective date of termination was no earlier than 23 March 2020;
 - 3.2. Under section 207B(3) of the Employment Rights Act 1996, in working out when the time limit set by sections 23 and 111 expired, the period beginning on 22 April 2020 and ending on 19 May 2020 was not to be counted;
 - 3.3. That section 207B(3) had that effect despite the fact that the prospective respondent notified to ACAS on 21 April 2020 was Arnold Sanderson Limited and not Abbey; and
 - 3.4. Like findings in respect of the equivalent provisions in the Employment Tribunals Extension of Jurisdiction (England & Wales) Order 1994.

4. The tribunal did not determine its jurisdiction to consider the complaint of failure to inform and consult in relation to a relevant transfer.

Employment Judge Horne

2 December 2021

SENT TO THE PARTIES ON

9 December 2021

FOR THE TRIBUNAL OFFICE

This judgment follows a hearing on a remote video platform.

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided, they will be published on the tribunal's online register which is visible to internet searches.