



EMPLOYMENT TRIBUNALS

Claimant: Mr S Brady

Respondent: Providence Bay Restaurants Limited (in voluntary liquidation)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. Notice of the claimant's claim was sent to the name and address provided for the respondent (Providence Bay Restaurant. Chi, Unit SU12, The Beacon, Eastbourne, East Sussex BN21 3NW) on 26 January 2024 and no response was received by 23 February 2024. The parties were notified that a rule 21 judgment could now be made if the claimant provided requested information. A rule 21 judgment is therefore made based on the information provided by the claimant dated 4 September 2024.
2. However, I note there is no company registered on Companies House with the name in paragraph 1. The claimant's ACAS certificate gave a slightly different name and gave a different address for the respondent: Providence Bay Restaurants Limited, Chamberlayne Road, Unit 17, Bury St Edmunds IP 32 7EY. That company is registered on Companies House which is showing that it is in creditors voluntary liquidation (since 12 September 2024) and that the registered address changed from Unit 17 Chamberlayne Rd on 19 September 2024.
3. I decided to substitute that name for the name of the respondent and the title of the proceedings is amended accordingly. Going forwards all correspondence will also be copied to the current registered address of Providence Bay Restaurants Limited. Although there is a risk that the respondent did not receive the claim, it is also possible in the circumstances that the claim is not disputed. I decided to proceed and issue the rule 21 judgment as it is likely the claimant can then make a claim from the Redundancy Payments Unit/National Insurance Fund. If either side disagrees with the rule 21 judgment or the name of the respondent they can apply for a reconsideration with an explanation.
4. The claimant is entitled to accrued holiday pay for the period he was employed (1 May 2023 to 16 December 2023) which amounts to £2,025 to be paid by the respondent to the claimant, subject to the appropriate deductions for tax and National Insurance. This is based on a rounded up figure of 18 accrued days at £112.50 per day (9 hours x £12.50).

Case No: 2301663/2024

Employment Judge Corrigan
9 October 2024

Judgment sent to the parties on
10 October 2024

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