



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms A Eccleston

**Respondents:** 1. Barrow Nesbitt Supervision Limited  
2. Dr P K Bhatnagar

**Heard at:** Liverpool **On:** 9 October 2018

**Before:** Employment Judge T Vincent Ryan

## REPRESENTATION:

**Claimant:** Mr J Halson, Solicitor

**Respondents:** Mr B Hendley, Consultant

# JUDGMENT

Further to the judgment of the Tribunal dated 30 August 2017 and sent to the parties on 5 September 2017 (the Liability Judgment), the judgment of the Tribunal is:

1. There was a transfer of an undertaking business or part of an undertaking or business situated immediately before the transfer in the United Kingdom on 25 October 2017 from the first respondent to the second respondent (“relevant transfer”).
2. In the absence of any objection by her, the said relevant transfer did not operate to terminate the contract of employment of the claimant, and her contract of employment therefore had effect after the transfer as if originally made between the claimant and the second respondent.
3. There was no break in the claimant’s continuity of employment at the material time, the period of her absence from work to 25 October 2017 and 29 October 2017 being agreed unpaid leave.
4. In consequence of the above the second respondent is liable for the unauthorised deductions from the claimant's wages previously adjudicated upon in



the Liability Judgment, and shall  
to the usual statutory deductions.

nant the sum of £10,753.92 subject

Employment Judge T Vincent Ryan

Date: 09.10.18

JUDGMENT SENT TO THE PARTIES ON  
26 October 2018

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://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(s): **2402365/2016**

Name of case(s): **Ms A Eccleston** v **1. Barrow Nesbitt  
Supervision Limited  
2. Dr PK Bhatnagar**

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: **26 October 2018**

"the calculation day" is: **27 October 2018**

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

MISS L HUNTER  
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](http://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.