

THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL PRELIMINARY HEARING

CASE REF: 13393/20

CLAIMANT: British Air Line Pilots' Association

RESPONDENT: Flybe Limited (In Administration)

RECONSIDERATION JUDGMENT

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone): Employment Judge Hamill

REASONS

BACKGROUND

1. A judgment by consent was issued on 2 August 2021.
2. The claimant's representative applied in writing to the tribunal on 27 January 2022 to amend the judgment. This application falls outside the time limits provided in Regulation 66 of the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020.
3. The application was consented to by the respondent.
4. I have determined that it is appropriate in all the circumstances to extend the time limit in respect of reconsideration of a judgment pursuant to Regulation 6 of the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020.
5. I also determine that it is in the interests of justice pursuant to Regulation 64 that the judgment is reconsidered and accordingly the original judgment is revoked pursuant to Regulation 70 and an amended judgment on consent will issue.

Employment Judge:

Date:

This judgment was entered in the register and issued to the parties on:

THE INDUSTRIAL TRIBUNALS

CASE REF: 13393/20

CLAIMANT: British Air Line Pilots' Association

RESPONDENT: Flybe Limited (In Administration)

JUDGMENT BY CONSENT

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone): Employment Judge Hamill

APPEARANCES:

The claimant was represented by Ms Rosemary Lundy of Arthur Cox Solicitors.

The respondent was represented by AM Hudson, Administrator.

1. Pursuant to Regulation 59 of Schedule 1 to the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020 it is ordered as follows:-
 - (1) In accordance with Article 217(2) of the Employment Rights (Northern Ireland) Order 1996 ("the 1996 Order") the Industrial Tribunal makes a declaration that the respondent failed to comply with requirements of Article 216; and
 - (2) By consent, the Industrial Tribunal orders a protective award of 60 days' pay in respect of all pilots falling within the recognised bargaining unit which are listed in revised Schedule 1 (attached) beginning on the date of their dismissals.
 - (3) Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the respondent (rather than the Secretary of State) pursuant to this judgment will be paid as an unsecured dividend.

- (4) In accordance with the judgment by the House of Lords in ***Mann and Others v Secretary of State for Employment [1999]*** it is acknowledged that the claimants wish to choose the protective award period (eight weeks commencing on 5 March 2020) as the basis for calculating eight weeks' pay.
- (5) There should be no Order as to costs.

Employment Judge:

Date:

This judgment was entered in the register and issued to the parties on:

IN THE OFFICE OF THE INDUSTRIAL TRIBUNALS
AND THE FAIR EMPLOYMENT TRIBUNAL

CLAIM NUMBER: 13393/20IT

BETWEEN:

BRITISH AIR LINE PILOT'S ASSOCIATION

Claimant

-and-

FLYBE LIMITED (IN ADMINISTRATION)

Respondent

REVISED SCHEDULE 1 OF JUDGMENT BY
CONSENT

No.	Forename	Surname	Base
1.	Peter	Donnelly	BHD
2.	Stephen	Gillan	BHD
3.	Michael	Montgomery	BHD
4.	Victor	Henning	BHD
5.	Howard	Courtenage	BHD
6.	Ryan	Phillips	BHD
7.	Christopher	Jones	BHD
8.	James	Brown	BHD
9.	Aidan	O'Neill	BHD
10.	Daniel	Spragg	BHD
11.	Nigel	Lowry	BHD
12.	David	Killen	BHD

No.	Forename	Surname	Base
13.	Robin	Lewis	BHD
14.	Warren	McBride	BHD
15.	Peter	Amos	BHD
16.	Dan	Greening	BHD
17.	David	Crowe	BHD
18.	Andrew	Yates	BHD
19.	Tim	Magill	BHD
20.	Daniel	Filmer	BHD
21.	Stephen	Irwin	BHD
22.	Jose David	Goncalves Pereira	BHD
23.	James George	Clay	BHD
24.	Mirko	Scholten	BHD
25.	Anna	van Noordenne	BHD
26.	David	Sanchez Manso	BHD
27.	Adam Louis	Mauseth	BHD
28.	Stuart James	McConachie	BHD
29.	Jonathan	Travers-Hind	BHD
30.	Stephen David	Lynn	BHD
31.	Christopher Henry	McCabe	BHD
32.	Martin	Scullion	BHD
33.	Barry Anthony	Mcerlean	BHD
34.	Ryan	Madden	BHD

35.	Hugo Alexandre	Clarke-Wing	BHD
36.	Salvador	Artigas Bellsollell	BHD
37.	Nigel Raymond	Best	BHD
38.	James	Bilverstone	BHD
39.	David Thomas	Bishop	BHD
40.	Baptiste Christophe	Blanc	BHD
41.	Simon	Davies	BHD
42.	Nathan Francis	Flynn	BHD
43.	Zhoro Velinon	Ganchev	BHD
44.	Andrew Graham	Girvan	BHD
45.	Paul David	Harris	BHD
46.	Emmet	Lynch	BHD
47.	Martin John	Magee	BHD
48.	Gavin	Mccusker	BHD
49.	James Mark	McMeekan	BHD
50.	Orin	Olivet	BHD
51.	Mahmoud	Omara	BHD
52.	Marcos	Plasencia Hodgkinson	BHD
53.	Christopher	Robb	BHD
54.	Nicholas Grant	Robbins	BHD
55.	Philip Edward	Robinson	BHD
56.	Alejandro	Sarta Barba	BHD
57.	Joshua Dane	Van-Rietvelde	BHD
58.	Judith	Watt	BHD