



# EMPLOYMENT TRIBUNALS

**Claimant:**  
Mr M Fadlalla

v

**Respondents:**  
Greener Taxis Ltd (R1)  
The Oxfordshire Taxi Company  
Limited (R2)

## PRELIMINARY HEARING

**Heard at:** Reading **On:** 26 January 2018

**Before:** Employment Judge R Lewis

### Appearances

**For the Claimant:** Mr S Margo of Counsel  
**For the Respondents:** No attendance or representation

## ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The respondents' application for adjournment at this hearing is refused.
2. The claimant's application for interim relief is adjourned to be heard on **Thursday and Friday 8 and 9 February 2018**. It has been listed at **Reading Employment Tribunal, 30/31 Friar Street (entrance in Merchants Place), Reading RG1 1DX** to start at 10.00am on the first day. The parties are to attend by **09.30 am**.
3. The listing is before any employment judge sitting alone, and Employment Judge R Lewis if practicable.
4. The listing has been extended for two days upon the claimant anticipating that the respondents will maintain that the claimant was at the material time not an employee of either of them within the meaning of section 230(1) Employment Rights Act 1996.
5. If the respondents so contend, the claimant has confirmed for avoidance of doubt that for the purposes of the interim relief application, he relies upon employee status in the period 2016 up to dismissal only.

6. No later than **4.00 pm on Monday 5 February 2018**, the parties are to exchange any witness statement to be relied upon at the adjourned hearing, to which each must annexe an indexed, paginated bundle of documents relied upon in the witness statement.
7. It would assist the tribunal if, in the witness statement, those portions which deal with the jurisdictional issue and those portions which deal with interim relief are separately identified.
8. For avoidance of doubt, the Judge records that he envisages the hearing proceeding as follows, although the matters in this paragraph are indicative only, and subject to any issue which arises at the start of the hearing on 8 February 2018:-
  - 8.1 That on 8 February, the tribunal will determine the claimant's employment status;
  - 8.2 That the parties may, if so advised, rely upon oral evidence at that stage;
  - 8.3 That if it is adjudicated that the claimant was not an employee, the application for interim relief will not proceed;
  - 8.4 That if it is adjudicated that the claimant was an employee, the application for interim relief will be heard on Friday, 9 February 2018;
  - 8.5 In that event, the attention of the parties is drawn to rule 95, which provides that subject to direction of the tribunal, the tribunal shall not hear oral evidence.
9. Leave is granted in principle for the respondent if so advised to rely on 8 February 2018 on evidence given by videolink, provided that appropriate arrangements are made by the respondent's representatives, and at its cost, in accordance with the usual practice. If the respondent proposes to do so, its representatives should contact the Employment Tribunal office at the earliest possible opportunity.

## **REASONS**

1. I give reasons only for the refusal of the adjournment.
2. This application for interim relief was served by the tribunal on 19 January 2018, by posting to the respondents at the same address at OX28 6HD.
3. In the course of Thursday 25 January 2018, Mr Singh of the respondents made email contact with the tribunal to ask for a postponement. He gave two reasons. The first was that the respondents had received papers on the afternoon of 24 January 2018.

4. I agreed to postpone on that basis because that indicated that the service obligation set out in section 128(4) Employment Rights Act 1996 had not been met. I converted the hearing to a preliminary hearing for case management, of which the parties were notified by email on the afternoon before.
5. Emails received from Messrs Mayflower Solicitors requested an adjournment again, and quoted the second ground put forward by Mr Singh, namely the absence for four weeks of a director.
6. That reason was unsupported by any evidence, for example as to the identity and whereabouts of the director, his method of communication while absent, and where delegated authority rested in his absence.
7. Furthermore, the interim relief procedure is an emergency procedure, and the grounds for postponing a hearing are very limited indeed. The respondents had not shown special circumstances such as to warrant any postponement, let alone one of four weeks.
8. In making the above Orders, I expressly asked Ms Wood, the claimant's solicitor, in the absence of the respondents, to email them on the day of hearing to advise them of the above timetable.

**CONSEQUENCES OF NON-COMPLIANCE**

1. **Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.**
2. **The tribunal may also make a further order (an "unless order") providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice under rule 19 or hold a pre-hearing review or a hearing.**
3. **An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.**

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Employment Judge Lewis

Date: .....29 January 2018..

Sent to the parties on: .....

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For the Tribunals Office