



EMPLOYMENT TRIBUNALS

Claimants

1. Mr T McFarlane
2. Ms E Manning
3. Mr M Woodrow
4. Mr S Charlton
5. Mr C Gent
6. Ms K Inman
7. Mr K Malone
8. Mr M McLoughlin
9. Mr A Simms
10. Mr B Sutcliffe
11. Mr J Sutcliffe
12. Mr N Varley
13. Mr M Hitchen

Respondents

1. KTH Fabrications Ltd (in voluntary liquidation)
2. Abacus Fabrications Ltd
3. Secretary of State for BEIS

Heard at: Leeds and by CVP On: 5 and 6 June 2023
Before: Employment Judge Davies

Appearances

For Claimants 1 and 2: Mr Culshaw (solicitor)
For Claimants 3 to 12: Mr Woodrow
Claimant 13: Did not attend

For the First Respondent: Did not attend
For the Second Respondent: Mr Peel (solicitor)
For the Third Respondent: Mr Soni

JUDGMENT

1. There was no relevant transfer within the meaning of Regulation 3 Transfer of Undertakings (Protection of Employment) Regulations 2006 from KTH Fabrications Ltd to Abacus Fabrications Ltd.
2. The employer's counterclaim brought by Abacus Fabrications Ltd against the First Claimant, Mr McFarlane, is dismissed on withdrawal by Abacus Fabrications Ltd.

Case Numbers: 1801288/2022-1801290/2022
1802277/2022-1802287/2022 1802439/2022

S-J Davies
Employment Judge Davies

6 June 2023
Sent to the parties on:

6 June 2023

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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.