



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Lane  
**Respondent:** Pipeline Drain Solutions Limited  
**Heard at:** East London Hearing Centre (via CVP)  
**On:** 3 May 2023  
**Before:** Employment Judge John Crosfill

## Representation

**Claimant:** In person assisted by Mrs Lane  
**Respondent:** Mr Tidy, a Solicitor from Croner Consulting

# JUDGMENT

1. The Respondent unlawfully deducted the sum of £385.70 due in respect of a payment in lieu of accrued but untaken annual leave from the Claimant's final instalment of wages payable on 26 August 2022. The said sum being calculated as follows:
  - a. Annual leave accrued from 29 March 2022 to 30 June 2022 (on the basis of a 3 day week =  $94 \text{ days} / 365 \times 5.6 \text{ (weeks' annual allowance)} \times 3 \text{ days} = 4.326 \text{ days}$
  - b. Annual leave accrued from 1 July 2022 to 2 August 2022 (on the basis of a 5 day week) =  $33 \text{ days} / 365 \times 5.6 \text{ (weeks' annual allowance)} \times 5 \text{ days} = 2.531 \text{ days}$ .
  - c. Less 2 days taken and paid leaving a balance of  $4.326 + 2.531 - 2 = 4.857$  days accrued but untaken.
  - d. The daily rate of pay being £100.00 giving the total due of £485.70
  - e. Less the sum of £100 lawfully deducted in respect of items of property not returned by the Claimant.
  - f. The balance due being **£385.70**

2. The Respondent is ordered to pay the Claimant the sum of **£385.70** in wages.
3. The Claimant's claim for notice pay brought pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is dismissed

**Employment Judge Crosfill**  
**Dated: 4 May 2023**