

## MEADOWSTONE (DERBYSHIRE) V KIRK AND HILL

---

**Barristers** Hilary Winstone, Rohan Pirani

**Practice area(s)** Employment and discrimination

**Court** Employment Appeal Tribunal

**Judge** Keith J

**Citation** UKEAT/0529/05/ZT

**Date** 10-Feb-2006

**Keywords** *Unfair dismissal - section 98 ERA - reason for dismissal*

**Summary** The Employment Appeal Tribunal held that in a claim for unfair dismissal where the employer fails to show the reason for the dismissal as required under s98(1) ERA the dismissal will be unfair and the Tribunal is not then to embark on the exercise required by section 98(4) – namely to consider whether their dismissals were fair – since the pre-condition for that exercise, namely whether the employer had fulfilled the requirements of section 98(1), had not been satisfied. Rohan Pirani and Hilary Winstone represented the First and Second Respondents respectively.