



EMPLOYMENT TRIBUNALS

Claimant: Mr S Lasdas

Respondents: Vanquis Bank Plc (1) Rethink Group Ltd (2)

JUDGMENT

The complaints of race discrimination against both respondents are struck out.

REASONS

1. Under rule 39(4) of the Employment Tribunals Rules of Procedure 2013 “If the paying party fails to pay the deposit by the date specified the specific allegation or argument to which the deposit order relates shall be struck out.”
2. The claimant brought complaints of direct race discrimination against both respondents. At an Open Preliminary Hearing (“OPH”) on 20 February 2020 I granted the respondents’ application for deposit orders to be made in respect of both complaints for the reasons I gave and which were set out in the record of the discussion. The claimant was ordered to pay a deposit of £250.00 for each complaint. He was therefore required to pay deposits in the total amount of £500.00 as a condition of proceeding with both complaints.
3. The Record of the OPH was sent to the parties on 6 March 2020. The Deposit Order was sent to the parties on 1 May 2020. This provided for a 21-day deadline for payment.
4. There is a 2-page Note Accompanying a Deposit Order (the “Note”) which explains how to pay a deposit and the consequences for the paying party if the deposit is not paid in time which is that the complaint or response to which the order relates will be struck out (paragraph 4). The second page of the Note contains a tear-off slip to be sent with the payment to the HMCTS Finance Support Centre. This Note was not sent together with the Deposit Order. The first page of the Note was sent to the claimant on 15 May 2020.
5. The claimant then wrote to the Tribunal on 17 May 2020 to request that the deadline for payment was extended by 21 days from the date of his receipt of the Note i.e. from 15 May 2020. The Tribunal replied on 18 May 2020 when it agreed to extend the deadline for payment by 14 days from that date i.e. 18 May 2020 to 1 June 2020. The claimant was reminded that “A failure to make these payments by this date will result in the complaints being struck out”. This was sent to the claimant together with a complete Note. In related correspondence the Tribunal restated the deadline of 1 June 2020 to the claimant twice on 18 and 22 May 2020.

6. The claimant sent a cheque for payment of the deposits by Signed For First Class post on 27 May 2020. This was received by the HMCTS Finance Support Centre on 8 June 2020.
7. The claimant has therefore failed to pay these deposits on time. Because of this the complaints of direct race discrimination against both respondents are struck out under rule 39(4).
8. The hearing fixed for **25 June 2020** will not take place.

Employment Judge Khan

Date: 22/06/2020

JUDGMENT SENT TO THE PARTIES ON

22/6/2020.....

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FOR THE TRIBUNAL OFFICE