



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4108381/2012

Employment Judge S Walker

Ms Y Paterson

Claimant

CBH Leisure Limited t/a Carnbooth House Hotel

Respondents

JUDGMENT

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d)

REASONS

- 1 The respondent was in liquidation and the claim was sisted to allow efforts to be made to obtain consent from the court for the claim to proceed. A judge proposed to strike out the claim in 2016 but following correspondence with the claimant and her then representative, the claim was sisted again for a period of 2 months. That period expired on 23 August 2016. However, the case was not referred back to a judge at that point.

- 2 Following a file review, it came to light that this case was still live. The Tribunal wrote to the claimant's representative on 16 June 2020 who advised that the respondent has been dissolved on 22 March 2018 and that he no longer acted for the claimant. The Tribunal then wrote to the claimant on 26 June 2020 to ask if she had appointed alternative representation. There was no reply to that letter and the Tribunal wrote to the claimant on 31 July 2020 to advise that the claim may be struck out and to ask if she was aware that the respondent was dissolved? The claimant replied to that correspondent on 10 August 2020. She indicated that she was "astonished" to receive the correspondence and she thought the case was "long over".
- 3 In these circumstances, the claim should be struck out under rule 37(1)(d) as it has not been actively pursued.

Employment Judge: Susan Walker
Date of Judgment: 14 August 2020
Entered in register: 18 August 2020
and copied to parties