



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Bury

**Respondent:** (1) Nationwide Crash Repair Ltd (in administration)  
(2) Redde Northgate Plc  
(3) FMG Repair Services Ltd

## JUDGMENT

The claims against the second and third respondents are struck out.

## REASONS

1. The claimant was employed by the first respondent up to its collapse on or around 4 September 2020. Parts of the business, and some employees, were transferred to the second and/or third respondent. A large number of employees who did not transfer, have brought claims against the first respondent in respect of protective awards and other claims.
2. A smaller number of employees have brought claims against the second and/or third respondent asserting, in summary, that their employment also transferred, by operation of law, and that the second and/or third respondent unfairly dismissed them by failing to continue their employment.
3. This small group of claims has been case managed together and a preliminary hearing is listed to take place over 10 days in October-November 2022 to determine whether the employees did transfer. Mr Bury's claim was part of this group.
4. By email dated 16 December 2021 the representatives of the second and third respondents applied for Mr Bury's claim to be struck out on the basis that, despite prompting, he had not complied with various case management orders. This was said to be affecting not simply the preparation of his claim, but the preparation of the wider preliminary hearing.
5. By a reply also dated 16 December 2021 (not copied to the respondent's representatives), Mr Bury apologised for his non-compliance and noted that he was suffering from personal issues at the present time. He concluded by saying "Please feel free if you wish to remove me from the claim."

6. Although Mr Bury has not expressly withdrawn his claim, it appears from his response that he does not intend to actively pursue it at the current time. He has made no meaningful objection to the respondent's strike out application. Having regard to the interests of justice and, in particular, the interests of the other claimants in this group in having the preliminary hearing take place on the dates currently listed and allowing all parties to prepare for that hearing in an efficient manner, I consider that it is in the interests of justice to strike out Mr Bury's claim against the second and third respondent's on the grounds that it is not being actively pursued and that he has failed to comply with case management order as detailed in the respondents' application.
7. This case has been removed from the list of cases to be heard on 9 September 2022 and 31 October to 14 November 2022.
8. However, Mr Bury's claim against the first respondent will continue as the case management orders which he has not complied with do not relate to that claim. There is currently no hearing date in respect of that claim and the Tribunal will write separately to Mr Bury about it in due course.

Employment Judge Dunlop

5 January 2022

JUDGMENT SENT TO THE PARTIES ON  
11 January 2022

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FOR THE TRIBUNAL OFFICE