



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4113907/2019

Employment Judge S MacLean

Mr R Chatburn

Claimant

Duncan Adams Ltd (in Administration)

Respondent

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. On 10 December 2019 the Tribunal wrote to the claimant advising that the respondent company was in administration. The Tribunal explained that the claimant required to obtain the consent of the administrator or the permission of the court to proceed with the claim and an Employment Judge would consider the claim in six months. If no application had been made, then the Tribunal may ask for reasons why the claim should not be struck out for not being actively pursued.

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2. On 10 June 2020 the Tribunal wrote to the claimant requesting an update within 14 days, or the claim may be struck out if no response is received. A reminder was sent on 30 June 2020 requesting a reply by 14 July 2020.
3. As no reply was received on 21 July 2020 the Tribunal gave the claimant an opportunity to give written reasons by 4 August 2020 or to request a hearing in order to consider why the claim should not be struck out.
4. The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.

Employment Judge: S Maclean
Date of Judgment: 6 August 2020
Entered in register: 10 August 2020
and copied to parties