



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Mccarthy

**Respondent:** CNIM UK Ltd (In Administration)

## JUDGMENT

The claim is struck out.

## REASONS

1. By a letter dated 1 November 2022 the Tribunal gave the claimant an opportunity to make representations or to request a hearing as to why the claim should not be struck out because the respondent is in administration and the Insolvency Act 1996 prevents the Tribunal from allowing the case to continue without the consent of the Administrator or the permission of the court which oversees the administration. This had been explained in a letter sent by the Tribunal dated 16 February 2022. The claimant was then informed he would be asked in 6 months whether he had obtained this consent or permission and, if not, his claim may be struck out because it would not have been actively pursued.
2. By letter of 2 November 2022 the claimant wrote to state that he had obtained neither permission nor consent. He stated that he was nevertheless entitled to pursue this claim and he addressed an issue about the number of redundancies in one establishment in response to observations made to him by the Administrator.
3. That would have been an issue which the Tribunal could have considered if the claimant had obtained the above permission or consent. Without it the Employment Tribunal is prohibited from considering the claim. It is an absolute prohibition.
4. The claimant has not actively pursued his claim by obtaining the necessary permission or consent and that means a fair trial of the issues cannot take place.
5. The case is therefore struck out.

Employment Judge D N Jones  
Date: 22 December 2022