



EMPLOYMENT TRIBUNALS

Claimant: Mr J Edwards

Respondent: Seqirus UK Ltd

JUDGMENT

1. The complaint of unfair dismissal is struck out.
2. The remainder of the claim is not struck out at this stage, but is the subject of a separate strike-out warning.

REASONS

1. The claim includes a complaint of unfair dismissal.
2. The claimant was not continuously employed for two years ending with the effective date of termination.
3. Section 108 of the Employment Rights Act 1996 places a limit on the rights of employees to bring a claim of unfair dismissal. As a general rule, employees have no right to bring such a claim unless they were continuously employed for two years ending with the effective date of termination.
4. There are exceptions to the rule in section 108. The exceptions are set out in section 108 itself. None of the exceptions appear to apply in this case.
5. Rule 37 of the Employment Tribunal Rules of Procedure 2013 gives the tribunal the power to strike out a claim on the ground that it has no reasonable prospect of success.
6. Before striking out a claim, the tribunal must give the claimant a reasonable opportunity to make representations in writing or (if requested by the claimant) at a hearing.
7. By a letter dated 1 November 2022, the Tribunal gave the claimant until 16 November 2022 to show cause why his complaint of unfair dismissal should not be struck out.
8. The claimant has not replied to that letter. He has not requested a hearing.
9. The complaint of unfair dismissal is therefore struck out.
10. It appears that the remainder of the claim is not being actively pursued. A separate strike-out warning has been sent to the claimant in respect of what is left of his claim.

Employment Judge Horne

24 February 2023

SENT TO THE PARTIES ON
6 March 2023

FOR THE TRIBUNAL OFFICE

(1) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rules 74-84.

(2) You may apply under rule 29 for this Order to be varied, suspended or set aside.