



EMPLOYMENT TRIBUNALS

Claimant: Ms M Patel

Respondent: Revere Riverside Ltd

REASONS

1. The claimant has requested written reasons for the judgement sent to the parties on 2 May 2023. Strictly speaking that judgement included the reasons why her claims have been struck out. However, to do justice to the importance to the claimant of the issues, I provide a fuller explanation here.
2. These claims came before me at a hearing at listed to take place by video on 3 May 2022 in public to consider the issues listed by Employment Judge Manley in paragraph 1 of her order of 3 November 2021. The claimant had presented her claims solely against Revere Riverside Ltd. Three former colleagues had presented claims against the present respondent and Revere Skin Limited. By the time of the hearing before me on 3 May 2022, those claims by the former colleagues had been withdrawn but it emerged that the sole remaining respondent, Revere Riverside Ltd, had been dissolved on 26 October 2020 one.
3. As I explained in my order staying proceedings which was sent to the parties on 27 May 2022, this had the consequence that, unless the company Revere Riverside Ltd was restored to the Register of Companies there was no legal entity in existence against which the claim could be pursued. The claimant was directed to write to the Tribunal by 2 November 2022 to explain what steps she had taken to arrange for the respondent to be restored to the Register of Companies.
4. On 27 May 2022 the tribunal wrote to the claimant and was told that if she did not apply to have the company restored to the register an employment Judge would consider her claim in six months' time and, "if no such application has been made (or if it has been refused), the judge may then ask you to give reasons why your claim should not be struck out because it is not being actively pursued". However this was sent at the same time as the order signed by me on 3 May 2022 which directed the claimant to explain by 2 November 2022 what the current position was and why the claim should not be struck out on the basis that it was not been actively pursued.
5. The claimant wrote on 1 November 2022 enclosing a letter which explained that she had looked into the process for restoring a company to the Register and had discovered that she would need to pay a fee to the Registrar and another to the Court which would total £585. She considered that she would need legal assistance and advice with this that would cost her more by way of costs and fees. She had not been successful in obtaining legal help from the Citizens Advice Bureau or law firms and was not in the financial position to pay the cost of the fee. She said "I do not have the financial backup to pursue trying to

restore the company so therefore I am not able to pursue to restore the company”.

6. She asked for the former directors of the respondent if they were able to split what was owed to her by the respondent between them.
7. I have sympathy for the claimant because it appeared that she was choosing not to pursue her claim against the company because of the cost involved in seeking to restore it to the Register rather than because she no longer asserts that the monies owed to her. However, that is a pragmatic decision that is hers to make. The consequences within the litigation were that she chose not to pursue the only route by which the litigation might be able to proceed. Unless the company is restored to the Register there is no one in existence against which judgement might be made. The claimant had therefore elected for pragmatic reasons of cost not to pursue the litigation. It did not seem right to me that that litigation should continue to be stayed indefinitely when there was apparently no prospect of it being revived. It was for that reason that the claimant was struck out.

J Sarah George

Employment Judge George

22 June 2023

JUDGMENT SENT TO THE PARTIES ON

26 June 2023

GDJ
FOR THE TRIBUNAL OFFICE