



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 8000299/2023

Judgment made in chambers in the Dundee Tribunal on 12 March 2024

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Employment Judge A Kemp

Ms S Lopez-Perez

**Claimant
No appearance**

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The Scottish Ministers

**Respondent
Represented by:
Mr B Nichol
Solicitor**

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JUDGMENT

The Tribunal strikes out the claim under Rule 37, and separately dismisses it under Rule 47, of the Rules of Procedure in Schedule I to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

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REASONS

Introduction

1. A Preliminary Hearing was held on 21 February 2024 to consider an application made by the claimant to amend her claim to add a claim under section 15 of the Equality Act 2010 when she had, by the email doing so dated 8 January 2024, withdrawn the two claims that were before the Tribunal under section 13 of the Act on the protected characteristics of sex and disability.
2. The claimant did not attend the hearing. The Note issued after that hearing gave the claimant an opportunity to explain her non-attendance and make
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arguments with regard to striking out or otherwise of the claim within 7 days. She has not done so. As the claimant had not moved her amendment there is currently no claim before the Tribunal that remains.

The Rules

- 5 3. The Tribunal may dismiss a claim under Rule 37(1)(d) in Schedule I to the
Employment Tribunals (Constitution and Rules of Procedure) Regulations
2013 if it is not being actively pursued. The party concerned requires to be
given a reasonable opportunity to make representations under Rule 37(2).
10 Under Rule 47 if a party fails to attend a hearing the Tribunal may dismiss
the claim.
4. In exercising the powers under the Rules account is to be taken of the
overriding objective in Rule 2.

Discussion

- 15 5. I consider that as the claimant has not availed herself of the opportunity to
explain her non-attendance or to make submissions, that it is appropriate
under the overriding objective to strike out the claim under Rule 37, and
separately to dismiss it under Rule 47.

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Employment Judge A Kemp

Employment Judge

23 April 2024

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Date of judgment

Date sent to parties

23 April 2024