



EMPLOYMENT TRIBUNALS (SCOTLAND)

**Employment Judge O'Donnell
Case Number: 4106859/2024**

Miss J Byrne

Claimant

BiP Solutions Limited

**Respondents
Represented by:
M Dalziel
Weightmans LLP**

JUDGMENT

The judgment of the Employment Tribunal is that the claim of unfair dismissal is struck out on the grounds that it has no reasonable prospect of success in terms of rule 38 (1)(a) of the Rules contained in the Employment Tribunals Procedure Rules 2024.

REASONS

1. The claimant has brought a number of complaints against the respondent. One of the claims indicated on the ET1 claim form is a claim of unfair dismissal under s94 of the Employment Rights Act 1996
2. The claimant does not have the two years' service which is normally required for the Tribunal to hear a claim of unfair dismissal in terms section 108(1) of the

Employment Rights Act 1996. Further, the ET1 does not, on the face of it, plead a claim of “automatic” unfair dismissal for which the two year rule is dis-applied.

3. At a previous case management hearing this issue was raised with the claimant and she was asked whether she was insisting on the unfair dismissal claim. The Tribunal indicated to her that it was considering striking out this claim (and only this claim) on the basis that it had no reasonable prospects of success given the fact that she did not have two years’ service with the respondent. The claimant was given the opportunity to comment on this before any decision was made.
4. The claimant sent comments by correspondence dated 23 July 2025. The correspondence does not specifically address the issue of two years’ service and the claimant asserted that her claim in relation to dismissal was a claim under the Equality Act and not the Employment Rights Act.
5. The position remains is that a claim of unfair dismissal under the Employment Rights Act has been raised in the ET1 form and remains live at the present date. It needs to be resolved and the claimant has not set out any basis on which the Tribunal could conclude that there are reasonable prospects of success in respect of this claim. The claimant does not have two years’ service and so the Tribunal has no jurisdiction to hear this claim. The claimant has not made any submissions which impacts on this position.
6. In these circumstances and for these reasons, the Tribunal strikes out the claim of unfair dismissal under the Employment Rights Act 1996. For the avoidance of doubt, no other claim falls under the scope of this judgment.

Date sent to parties

28 July 2025
