



EMPLOYMENT TRIBUNALS

Between:

Mr R Smith
Claimant

and Nottinghamshire Golf and Country Club Ltd
Respondent

Record of a Closed Telephone Preliminary Hearing at the Employment Tribunal

Held at: Nottingham **On:** 1 March 2022

Before: Employment Judge Hutchinson (sitting alone)

Representation

For the Claimant: Ms K Anderson, Counsel
For the Respondent: Mr D Leach, Counsel

JUDGMENT

The Employment Judge gave judgment as follows:

1. The Respondent has failed to comply with the Unless Order issued on 28 January 2022 and sent to the parties on 1 February 2022.
2. In consequence thereof, the Response is hereby dismissed.

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Listing a further hearing

1. A further hearing will be conducted by an Employment Judge sitting alone by CVP on **6 April 2022 at 10 am**. One day has been allocated. The hearing will make a determination under Rule 21 of the Employment Tribunals Rules of Procedure.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The Claimant is to provide an updated schedule of loss and copies of his mitigation and remedy evidence and serve these upon the Tribunal and the Respondent by **22 March 2022**.

Employment Judge Hutchinson

Date: 11 March 2022

Notes

- (i) **The above Order has been fully explained to the parties and all compliance dates stand even if this written record of the Order is not received until after compliance dates have passed.**
- (ii) **Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.**
- (iii) **The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.**

(iv) An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative. Any further applications should be made on receipt of this Order or as soon as possible. The attention of the parties is drawn to the Presidential Guidance on ‘General Case Management’:

<https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>

(v) The parties are reminded of rule 92: “*Where a party sends a communication to the Tribunal (except an application under rule 32) it shall send a copy to all other parties and state that it has done so (by use of “cc” or otherwise). The Tribunal may order a departure from this rule where it considers it in the interests of justice to do so*”. If, when writing to the Tribunal, the parties do not comply with this rule, the tribunal may decide not to consider what they have written.