



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4101816/2019**

**Employment Judge GI McPherson**

**Mr C Summers**

**Claimant**

**Secretary of State for Business, Energy &  
Industrial Strategy**

**Respondents**

## **JUDGMENT**

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d).

## **REASONS**

- 1 The claim has been sisted since 25 March 2019 pending settlement.
- 2 On 11<sup>th</sup> February 2022 the tribunal wrote to the claimant's representative asking for an update. The claimant's representative responded on 9<sup>th</sup> February asking for an additional 14 days as they did not have instructions from the claimant.
- 3 On 24<sup>th</sup> March 2022 the tribunal wrote again to the claimant's representative seeking an update. A reply was received on 1<sup>st</sup> April 2022 advising they were still awaiting instructions from the claimant and asking for a further short period to provide a substantive update. The claimant's representative was given until 13<sup>th</sup> April 2022 to provide a response. No response was received.

- 4 On 29<sup>th</sup> April 2022 the tribunal sent a reminder to the claimant's representative.
- 5 On 13<sup>th</sup> May 2022 the claimant's representative withdrew from acting for the claimant.
- 6 On 18<sup>th</sup> May 2022 the tribunal wrote directly to the claimant seeking an update with a reply by date of 26<sup>th</sup> May 2022. No reply was received.
- 7 On 27<sup>th</sup> May 2022 the tribunal gave the claimant an opportunity to give written reasons by 10<sup>th</sup> June 2022 or to request a hearing in order to consider why the claim should not be struck out.
- 8 The claimant has failed to respond and give reasons why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.

Employment Judge: Ian McPherson  
Date of Judgment: 15 June 2022  
Entered in register: 17 June 2022  
and copied to parties