**<<cs\_t\_Scot\_58>>**

**<<## 58 Strike out warning to the claimant ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**STRIKE OUT WARNING TO CLAIMANT**

**Employment Tribunals Rules of Procedure 2013**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir / Madam,

The respondent has made an application to the Tribunal for your [claim] [part of your claim, namely insert information from Employment Judge referral]to be struck out on the grounds [choose 1 of the following 5 paragraphs, move it up to form part of first paragraph and delete other paragraphs]

*OR*

Employment Judge is considering striking out your [claim][part of your claim, namely [insert information from Employment Judge referral] on the grounds [choose 1 of the following 5 paragraphs, move it up to from part of first paragraph and delete other paragraphs]

* that it is [scandalous], [vexatious] [has no reasonable prospect of success] [insert 1 or more of these options as directed by the EJ] in terms of rule 37 (1)(a) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013
* that the manner in which the proceedings have been conducted by you or on your behalf has been [scandalous] [unreasonable] or [vexatious] [insert 1 or more of these options as directed by the EJ] in terms of rule 37 (1)(b) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
* of non compliance with [the Rules of Procedure] or [an Order of the Tribunal [delete as directed by the EJ together with any specific information provided by the EJ identifying the order or rule concerned] in terms of rule 37 (1)(c) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
* that the claim (or relevant part) has not been actively pursued in terms of rule 37 (1)(d) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
* that it is no longer possible to have a fair hearing of the claim (or the relevant part) in terms of rule 37 (1)(e) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge has directed that if you disagree, you should set out your reasons for disagreeing in writing by [insert date from Employment Judge referral]or tell us by [insert date from Employment Judge referral]that you want the Employment Judge to fix a hearing so that you can put forward your reasons in person. You must copy any communication to the other party(ies) and confirm to us that you have done so.

If nothing is heard from you in the timescale set out above then the Employment Judge will decide whether to strike out your claim, or part of it as the case may be, on the basis of the information which is otherwise available.

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_59>>**

**<<## 59 Strike out warning to the respondent ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<respondent\_rep\_full\_name>>  <<respondent\_rep\_addressUK>>  <<respondent\_rep\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<respondent\_rep\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_others>>** |

Dear Sir/Madam

**STRIKE OUT WARNING TO RESPONDENT**

**Employment Tribunals Rules of Procedure 2013**

The claimant has made an application to the Tribunal for your [response] [part of your response, namely insert information from Employment Judge referral] to be struck out on the grounds [choose 1 of the following 5 paragraphs, move it up to form part of first paragraph and delete other paragraphs]

*OR*

Employment Judge Surname of Employment Judge is considering striking out your [response][part of your response, namely [insert information form Employment Judge referral] on the grounds [choose 1 of the following 5 paragraphs, move it up to form part of first paragraph and delete other paragraphs]

* that it is [scandalous], [vexatious] [has no reasonable prospect of success] [insert 1 or more of these options as directed by the EJ] in terms of rule 37(1)(a) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013
* that the manner in which the proceedings have been conducted by you or on your behalf has been [scandalous] [unreasonable] or [vexatious] [insert 1 or more of these options as directed by the EJ] in terms of rule 37(1)(b) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
* of non compliance with [the Rules of Procedure] or [an Order of the Tribunal] [delete as directed by the EJ together with any specific information provided by the EJ identifying the order or rule concerned] in terms of rule 37(1)(c) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
* that the response (or relevant part) has not been actively pursued in terms of rule 37(1)(d) of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
* that it is no longer possible to have a fair hearing of the response (or the relevant part) in terms of rule 37(1)(e) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge Surname of Employment Judge has directed that if you disagree, you should set out your reasons for disagreeing in writing by [insert date from Employment Judge referral]or tell us by [insert date from Employment Judge referral]that you want the Employment Judge to fix a hearing so that you can put forward your reasons in person. You must copy any communication to the other party(ies) and confirm to us that you have done so.

If nothing is heard from you in the timescale set out above then the Employment Judge will decide whether to strike out your response, or part of it as the case may be, on the basis of the information which is otherwise available.

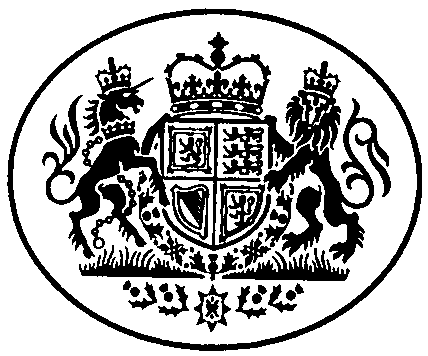
Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_60>>**

**<<## 60 Strike out judgment ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: <<Case\_No>> Held in <<Claimant>>**

**Employment Judge**

**<<claimant\_full\_name>> Claimant**

**<<claimant\_addressUK>> Represented by:**

**[Insert rep details]**

**<<respondent\_full\_name>> Respondents**

**<<respondent\_addressUK>> Represented by:**

**[Insert rep details]**

**JUDGMENT**

[The claim] / [The part of the claim [insert details]] / [The response] / [The part of the response [insert details]] 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 [delete as appropriate]

* that it is [scandalous], [vexatious] [has no reasonable prospect of success] [insert 1 or more of these options as directed by the EJ] in terms of rule 37(1)(a)
* that the manner in which the proceedings have been conducted by or on behalf of the claimant/respondent [delete as appropriate] has been [scandalous] [unreasonable] or [vexatious] [insert 1 or more of these options as directed by the EJ] in terms of rule 37(1)(b)
* of non compliance with [the Rules of Procedure] or [an Order of the Tribunal [delete as directed by the EJ together with any specific information provided by the EJ identifying the order or rule concerned] in terms of rule 37(1)(c)
* that the claim/response [delete as appropriate] (or the part struck out) has not been actively pursued in terms of rule 37(1)(d)
* that it is no longer possible to have a fair hearing of the claim/response [delete as appropriate] (or the part struck out)in terms of rule 37(1)(e)

**REASONS**

1. [Insert background as directed by EJ]

2 On [insert date of letter] the Tribunal gave the claimant/respondent [delete as appropriate] an opportunity to give written reasons by (insert date) or to request a hearing in order to consider why [the claim/response] or [part of the claim/response] should not be struck out.

3 The claimant/respondent has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out [the claim/response] or [that part of the claim/response].

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employment Judge**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date of Judgment**

**Entered in register**

**and copied to parties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**<<else\_t\_Scot\_61>>**

**<<## 61 Intimidation of decision not to strike out ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>  <<claimant\_addressUK>>  <<claimant\_email\_address>> | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_email>>** |
| Your Ref:  Date: | | <<claimant\_reference>>  <<TODAY\_DATE>> |  |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  **<<Claimant>>** | **v** | **Respondent**  **<<Respondent>>**  **<<resp\_otheres>>** |

Dear Sir / Madam,

**RESULT OF STRIKE OUT APPLICATION**

**Employment Tribunals Rules of Procedure 2013**

After considering the objections to the proposal to strike out the [claim] [the complaint of [insert details]] [response] [response to the complaint of (insert details)] delete as appropriate, Employment Judge , has decided that it should not be struck out.

[Insert reasons from referral below]

Yours faithfully,

<<Clerk>>

For the Tribunal Office

**<<else\_t\_Scot\_62>>**

**<<## 62 Deposit order ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number:** <<Case\_No>>

**Claimant:** <<claimant\_full\_name>>

**Respondent:** <<respondent\_full\_name>>

**ORDER TO PAY A DEPOSIT**

**Employment Tribunals Rules of Procedure 2013**

At a preliminary hearingheld at [enter hearing location] on [enter date] Employment Judge [enter name] made the following Order:

The Employment Judge considers that the following argument(s) or allegation(s) has/have little reasonable prospect of success:

Insert details as directed by EJ

The reasons why the Employment Judge has reached this conclusion are as follows: [enter reasons]

Under Rule 39 of the Employment Tribunals Rules of Procedure, the Employment Judge orders that the claimant/respondent *(delete as appropriate)* is to pay a deposit of £ *[Insert Amount and detail by allegation/argument*] by not later than [insert date 21 days from the Order]. This is as a condition of being allowed to continue to advance that/those allegation(s) or argument(s).

If the Tribunal at any stage decides the specific allegation or argument against the paying party for substantially the reasons given above, this may result in an award of expenses or preparation time made against the paying party and the deposit will be paid to the other party.

Employment Judge

Date: <<TODAY\_DATE>>

**Note:**

1. **Unless the deposit is paid within the time limit, the allegation or argument to which this order relates, will be struck out.**
2. You may apply to have this order varied, suspended or set aside. You must confirm when making such an application that you have copied it to the other party(ies) and notified them that any objections to your application should be provided to the Tribunal as soon as possible

### NOTES ON DEPOSIT ORDER

Please read these notes carefully. There are time limits for payment and these are set out in paragraph 5 below.

1. The order of the Tribunal is set out in the attached documents. These notes are for guidance only and are not a comprehensive statement of the law. They are intended to assist you in payment of the required deposit.

### Payment

**CHEQUES OR POSTAL ORDERS MUST BE MADE PAYABLE TO THE TRIBUNALS SERVICE**.

2. If you wish to proceed to a full tribunal hearing, payment of the deposit by cheque or postal order should be sent with the tear off slip below to:

HMCTS Finance Centre

The Law Library

Law Courts

Small Street

Bristol

BS1 1DA

NB Payment by cash is made at your own risk and should be sent by recorded delivery. The Tribunals cannot be held responsible for cash lost in the post. Proof of postage is no guarantee of delivery.

3. An acknowledgement will not be issued unless requested.

4. If the case goes ahead and the party against whom the order is made persists in participating in proceedings relating to the matter to which the order relates, they may have an award of costs made against them and could lose their deposit.

**Timescale**

5. Payment must be made within 21 days of the date on which the attached order was sent to you. If payment is made by cheque, the cheque must be received in sufficient time to allow it to be cleared within the period allowed for payment.

**Non Payment**

6. Unless the deposit is paid within the time limit, the claim or the response or part of either to which the order relates, will be struck out.

**Withdrawal**

7. If it is decided not to proceed with the claim, written notification should be sent to the Office Manager of the Office of the Employment Tribunals dealing with your case.

**Enquiries**

8. Enquiries relating to the case should be referred to the address at the head of these notes.

Enquiries regarding receipt and repayment of your deposit should be referred to:

Finance and Resources Directorate, Bristol (Tel: 0117 976 3033)

===========================================================

(Please cut here)

DEPOSIT ORDER

To:

HMCTS Finance Centre

The Law Library

Law Courts

Small Street

Bristol

BS1 1DA

Case Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Claimant/Respondent\*

Please find attached cheque/postal order\* for £

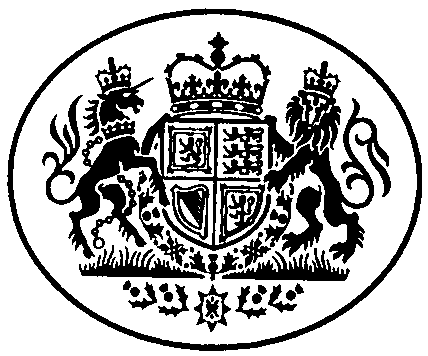
(Please also write your case reference number on the back of the cheque or postal order).

\*Please delete as appropriate.

**CHEQUES OR POSTAL ORDERS MUST BE MADE PAYABLE TO HMCTS**

**<<else>>**

**<<## 63 Strike out judgment failure ##>>**



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: <<Case\_No>>**

**Employment Judge**

**JUDGMENT**

The allegation/argument [*insert details from the deposit order*] contained in the claim/ response *(delete as appropriate)* is struck out.

**REASONS**

The [claimant / respondent - delete as applicable] was ordered to pay a deposit of £[insert amount] by [insert date] following a preliminary hearing held on [insert date of preliminary hearing].The Order was sent to the [claimant / respondent - delete as applicable] on [insert date here]. The [claimant / respondent - delete as applicable] has failed to pay this deposit. The allegation/argument [*insert details from the deposit order*] contained in the claim/ response *(delete as appropriate)* is therefore struck out in accordance with Rule 39(4) of the Rules of Procedure.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employment Judge**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date of Judgment**

**Entered in register**

**and copied to parties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**<<es\_>>**