



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Numbers: 4103916/2023**

**O H Smith**

**Claimant**

**Fun Scientists Ltd (in Liquidation)**

**Respondent**

# **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. By letter dated 3 October 2023 the Tribunal wrote to the claimant notifying them that legal proceedings cannot be instituted or continued against a respondent company in compulsory liquidation without the consent of the court to proceed. The claim was sisted for a period of 6 months. In the intervening period, there is no evidence that the claimant has taken any steps to secure the necessary consent to allow the Tribunal claim to proceed.
2. By letter dated 28 August 2024 the Tribunal wrote to the claimant asking for an update of the current position in the case, reply by 4 September 2024. No reply was received.
3. By letter dated 5 September 2024 a further reminder was sent to the claimant with a reply by date of 12 September 2024. No reply was received.

4. On 16 September 2024 the Tribunal gave the claimant an opportunity to give written reasons by 30 September 2024 or to request a hearing in order to consider why claim should not be struck out. No reply was received.
5. The claimant has failed to give reasons why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.

**C McManus**

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Employment Judge

**3 October 2024**

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Date of judgment

**Entered in register  
and copied to parties**

**4 October 2024**

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