



University of Strathclyde
LAW CLINIC

4C. Preliminary Hearing on Preliminary Matters

DISCLAIMER

The information on these slides is for general guidance only and is not legal advice. *It should not be regarded or relied upon as a complete or authoritative statement of the law.* The Law Clinic does not represent or warrant that the information on the website is accurate, complete or up to date.

Please see the full disclaimer available [here](#).



Reasons for Second Preliminary Hearing

The Tribunal can decide to schedule a second Preliminary Hearing for a variety of reasons (these reasons are known as preliminary matters).

These Preliminary Matters could include:

- ▶ Whether any part of the claim is time barred;
- ▶ Whether any part of the claim should be struck out because it does not have any prospects of success;

Reasons for Second Preliminary Hearing

- ▶ Whether the Claimant in a disability discrimination claim meets the legal definition of disabled;
- ▶ Whether the Claimant has the right to bring a claim;
 - ▶ (e.g. they may not have qualifying service or they may not actually be an employee and therefore be unable to raise the claim)

Reasons for Second Preliminary Hearing



- ▶ Whether the Claimant needs to pay a deposit order to proceed
- ▶ This can happen where the Judge thinks the claim is very weak and has no reasonable prospects of success.
 - ▶ In this case the deposit can stand against the award of any expenses for the party if the claim is unsuccessful.

Second Preliminary Hearing

- ▶ Full notice will be given prior to a second Preliminary Hearing and time provided to prepare.
- ▶ This is sometimes called a substantive Preliminary Hearing. This is a public hearing.