



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4106684/2020 (A)

Held in Glasgow on 1 February 2021
(Preliminary Hearing conducted remotely by telephone conference call)

Employment Judge Ian McPherson

Ms Sharon Davis

Claimant
Represented by:
Mr Paul Deans
Solicitor

(1) W H Malcolm Limited

1st Respondents
Represented by:
Ms Ruth Moffett -
Solicitor

(2) The Malcolm Group Limited

2nd Respondents
Represented by:
Ms Ruth Moffett -
Solicitor

JUDGMENT

- (1) The claimant's complaints against the second respondents having been withdrawn by the claimant's representative, at this Preliminary Hearing, in terms of **Rule 51 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**, it being accepted that the claimant was employed by the first

respondents at all relevant times, and that they are the proper respondents against whom these Tribunal proceedings should continue, the claim against the second respondents is dismissed by the Tribunal under **Rule 52**. Further, in terms of **Rule 34**, they are removed as wrongly included.

- (2) The claim brought by the claimant, as against the first respondents, W H Malcolm Ltd, continues, unaffected by this part-withdrawal against the second respondents, and the heads of complaint in that claim will proceed to a Final Hearing as separately ordered by the Tribunal.

Employment Judge: Ian McPherson
Date of Judgment: 4th February 2021
Entered in Register: 8th February 2021
Copied to Parties