



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103492/2017

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Held in Glasgow on 16 August 2018

Employment Judge: Ian McPherson

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Miss Morag Jardine

Claimant

Represented by:

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Mr Stephen Smith -  
Solicitor

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The Scottish Ministers

Respondents

Represented by:

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Dr Andrew Gibson -  
Solicitor

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The claimant's complaint (if any) under Section 12(3) of the Employment Relations Act 1999 (dismissal for seeking trade union representation at a disciplinary meeting) having been withdrawn by the claimant's representative on  
35 28 December 2017, by further and better particulars for the claimant provided in response to an Order of the Tribunal dated 25 November 2017, that part of her claim against the respondents is dismissed by the Tribunal under Rule 52 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, but the remaining parts of that claim,  
40 excluding any claims under the Equality Act 2010, which were similarly withdrawn

E.T. Z4 (WR)

on 28 December 2017, remain standing and will proceed to the Final Hearing assigned for 21 to 28 January 2019, as ordered by the Tribunal at the Case Management Preliminary Hearing held on 16 August 2018.

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## REASONS

1. This case called before me for a Case Management Preliminary Hearing  
io held on 16 August 2018, when both parties were legally represented.
2. At that Hearing, I reserved decision for further consideration, in private  
deliberation, and having now resumed consideration, in respect of the  
claimant's withdrawal of certain parts of the claim, and the respondents'  
15 opposed application for a Dismissal Judgment in respect of those  
withdrawn parts of the claim, I have decided to issue this Rule 52  
Judgment.
3. As per a supplementary written Note and Orders of the Tribunal dated of  
20 even date with this Judgment, I refused the respondents' representative's  
application that the Tribunal should issue a Dismissal Judgment in the  
respondents' favour, in respect of those withdrawn Equality Act 2010 parts  
of the claim, but I granted the application in respect of any claim under  
Section 12(3) of the Employment Relations Act 1999, the claimant not  
25 having expressed a wish to reserve the right to bring a further claim raising  
that same complaint against the respondents.

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**Employment Judge:**  
**Date of Judgment:**  
**Entered in register:**  
**and copied to parties**

**I McPherson**  
**29 August 2018**  
**04 September 2018**