

(EAT 1) PETER STILL v TESCO STORES LTD.

EDINBURGH MEDICAL J.
SCOTLAND

JOHN GILCROST.
BRUCE BACBERSTON
JOHN CLEGGAN.

Regulated judgement (S/11150/10) Guy HENCKSON
22/07/2011.

18/08/2011 - UKEAT PAS 0100/11/BI

(LADY ANNEM SMITH) (SCOTTISH PREGNANT.)
EAT

RULE 3 (7) 4th October 2011

RULE 3 (8) 25th November 2011

RULE 3 (10) 23rd March 2012

revised order 17th April 2012
19th July 2012.

ORDER 18th April 2012.

APPEAL DISMISSED (WANT OF INSISTENCE)

EMRC - Scottish Helpline 30th September (2011)
(Peter Still - @mail)

LONDON BOROUGH OF LEWISHAM
(appellant) v.
MALCOLM (respondent) and EQUALITY AND
HUMAN RIGHTS COMMISSION (intervener)

[2008] UKHL 43

- 1800 *Disability discrimination*
1811.1 *Disability-related discrimination – reason related to disability*
1811.2 *Disability-related discrimination – others to whom reason does not apply*
1855 *Discrimination by others than employers – providers of goods, facilities, services or premises*

Disability Discrimination Act 1995: ss.22, 24

The facts:

Courtney Malcolm suffered from schizophrenia. His condition was controlled through medication. He rented a flat from the London Borough of Lewisham on a secure tenancy. He sublet his flat on an assured shorthold tenancy for a period of six months. That was a breach of the express terms of his tenancy agreement, which provided that subletting had the automatic effect that the tenancy was no longer a secure tenancy and could never subsequently become one. At the time that he had sublet the flat, Mr Malcolm had stopped taking his medication.

When the council discovered that Mr Malcolm had sublet the flat, it gave him notice to quit. At that time, the council was unaware that Mr Malcolm suffered from schizophrenia. When he did not vacate the flat, the council commenced possession proceedings in the county court. By that time, the council had been informed of his mental health problems.

In his defence to the possession proceedings, Mr Malcolm argued that the council's attempt to gain possession of the flat constituted unlawful disability discrimination contrary to s.22 of the Disability Discrimination Act 1995. He contended that he suffered from a disability for the purposes of the Act; that the reason why the council was seeking possession was because of his disability; and that unless the council could show justification the court was precluded from making a possession order against him. He claimed that he had only sublet the flat because he had not been taking his medication at the time, and this had led to his irresponsible behaviour. The judge in the county court rejected the complaint of disability discrimination and granted the possession order. The Court of Appeal reversed that decision. The council appealed to the House of Lords. The Equality and Human Rights Commission took part in the proceedings as intervener.

Two issues, amongst others, fell to be determined. Firstly, the correct comparators for the purposes of s.24(1) of the Act fell to be identified. There were three options: (a) secure tenants of the council without a mental disability who had sublet; (b) secure tenants of the council who had not sublet; and (c) some other unspecified comparator group. According to the Court of Appeal in *Clark v Novacold Ltd* the correct comparator was (b), but the council submitted that that case was wrongly decided and that the correct comparator was (a). On that basis, Mr Malcolm's discrimination claim would fail, since it was not disputed that the council would have issued a notice to quit and pursued possession proceedings against any secure tenant without a mental disability who had sublet his flat.

Secondly, it fell to be determined whether knowledge of the disability on the part of the discriminator at the time of the alleged discriminatory act was necessary in order to establish that the "reason" for the treatment related to the disability for the purposes of s.24(1). The council argued that it was necessary that the discriminator knew or ought to have known of the disability at the time of the alleged discriminatory act in order to satisfy s.24(1) and establish unlawful discrimination.

Although the issues related to disability discrimination in the field of housing, it was common ground that the same approach

Section 22 of the Act, so far as material, provides:

"(3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises (a) in the way he permits the disabled person to make use of benefits or facilities; (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or (c) by evicting the disabled person, or subjecting him to any other detriment."

Section 24 of the Act, so far as material, provides:

"(1) ... a person ('A') discriminates against a disabled person – (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply."

The House of Lords (Lord Bingham of Cornhill, Lord Scott of Foscote, Baroness Hale of Richmond (dissenting in part as to the reasoning), Lord Brown of Eaton-under-Heywood and Lord Neuberger of Abbotsbury) 25 June 2008 allowed the appeal and restored the decision of the judge in the county court.

The House of Lords held:

1811.1, 1811.2

The Court of Appeal had erred in holding that the council's conduct in seeking possession of the flat constituted unlawful disability discrimination.

(1) The correct comparator for the purposes of s.24(1)(a) is a secure tenant of the council with a mental disability who has sublet his property, not a secure tenant who has not sublet his property. In that regard, the Court of Appeal decision in *Clark v Novacold Ltd* was wrongly decided.

There is no point in asking whether a person has been treated "less favourably than others" if the reason why the disabled person was subjected to the allegedly less favourable treatment cannot apply to those "others". If a person has been dismissed because he is incapable of doing his job, there is no point in making the lawfulness of his dismissal depend on whether those who are capable of doing their job would have been dismissed. If a person has been dismissed because he will be absent from work for a year, there is no point in making the lawfulness of his dismissal depend on whether those who will not be absent from work will be dismissed. If a tenant has been given notice terminating his tenancy because he has sublet in breach of the tenancy agreement, there is no point in making the lawfulness of the action taken by the landlord dependant on whether notice to quit would have been served on tenants who had not sublet. Parliament must surely have intended a meaningful comparison in order to distinguish between treatment that was discriminatory and treatment that was not.

(2) In order for the alleged discriminator to "relate to" the disability for the purposes of s.24(1)(a), it is necessary that the discriminator knows of, or ought to know of, the disability, at the time of the alleged discriminatory act. Unless the discriminator has knowledge or imputed knowledge of the disability, he cannot be guilty of unlawful discrimination under the Act.

That interpretation is supported by the fact that s.25(1) provides that a claim based on unlawful disability discrimination may be made the subject of civil proceedings in the same way as any other claim in tort, damages being recoverable. This points towards a requirement of knowledge. Moreover, the grounds of justification specified in s.24(1) of the Act assume that the discriminator has knowledge of the disability. It would be anomalous

LONDON BOROUGH OF LEWISHAM
(appellant) v.
MALCOLM (respondent) and EQUALITY AND
HUMAN RIGHTS COMMISSION (intervener)

[2008] UKHL 43

- 1800 Disability discrimination
1811.1 Disability-related discrimination – reason related to disability
1811.2 Disability-related discrimination – others to whom reason does not apply
1855 Discrimination by others than employers – providers of goods, facilities, services or premises

Disability Discrimination Act 1995: ss.22, 24

The facts:

Courtney Malcolm suffered from schizophrenia. His condition was controlled through medication. He rented a flat from the London Borough of Lewisham on a secure tenancy. He sublet his flat on an assured shorthold tenancy for a period of six months. That was a breach of the express terms of his tenancy agreement, which provided that subletting had the automatic effect that the tenancy was no longer a secure tenancy and could never subsequently become one. At the time that he had sublet the flat, Mr Malcolm had stopped taking his medication.

When the council discovered that Mr Malcolm had sublet the flat, it gave him notice to quit. At that time, the council was unaware that Mr Malcolm suffered from schizophrenia. When he did not vacate the flat, the council commenced possession proceedings in the county court. By that time, the council had been informed of his mental health problems.

In his defence to the possession proceedings, Mr Malcolm argued that the council's attempt to gain possession of the flat constituted unlawful disability discrimination contrary to s.22 of the Disability Discrimination Act 1995. He contended that he suffered from a disability for the purposes of the Act; that the reason why the council was seeking possession was because of his disability; and that unless the council could show justification the court was precluded from making a possession order against him. He claimed that he had only sublet the flat because he had not been taking his medication at the time, and this had led to his irresponsible behaviour. The judge in the county court rejected the complaint of disability discrimination and granted the possession order. The Court of Appeal reversed that decision. The council appealed to the House of Lords. The Equality and Human Rights Commission took part in the proceedings as intervener.

Two issues, amongst others, fell to be determined. Firstly, the correct comparators for the purposes of s.24(1) of the Act fell to be identified. There were three options: (a) secure tenants of the council without a mental disability who had sublet; (b) secure tenants of the council who had not sublet; and (c) some other unspecified comparator group. According to the Court of Appeal in *Clark v Novacold Ltd* the correct comparator was (b), but the council submitted that that case was wrongly decided and that the correct comparator was (a). On that basis, Mr Malcolm's discrimination claim would fail, since it was not disputed that the council would have issued a notice to quit and pursued possession proceedings against any secure tenant without a mental disability who had sublet his flat.

Secondly, it fell to be determined whether knowledge of the disability on the part of the discriminator at the time of the alleged discriminatory act was necessary in order to establish that the "reason" for the treatment related to the disability for the purposes of s.24(1). The council argued that it was necessary that the discriminator knew or ought to have known of the disability at the time of the alleged discriminatory act in order to satisfy s.24(1) and establish unlawful discrimination.

Although the issues related to disability discrimination in the field of housing, it was common ground that the same approach

Section 22 of the Act, so far as material, provides:

"(3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises (a) in the way he permits the disabled person to make use of benefits or facilities; (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or (c) by evicting the disabled person, or subjecting him to any other detriment."

Section 24 of the Act, so far as material, provides:

"(1) ... a person ('A') discriminates against a disabled person – (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply."

The House of Lords (Lord Bingham of Cornhill, Lord Scott of Foscote, Baroness Hale of Richmond (dissenting in part as to the reasoning), Lord Brown of Eaton-under-Heywood and Lord Neuberger of Abbotsbury) 25 June 2008 allowed the appeal and restored the decision of the judge in the county court.

The House of Lords held:

1811.1, 1811.2

The Court of Appeal had erred in holding that the council's conduct in seeking possession of the flat constituted unlawful disability discrimination.

(1) The correct comparator for the purposes of s.24(1)(a) is a secure tenant of the council who has a mental disability who has sublet his property, not a secure tenant who has not sublet his property. In that regard, the Court of Appeal decision in *Clark v Novacold Ltd* was wrongly decided.

There is no point in asking whether a person has been treated "less favourably than others" if the reason why the disabled person was subjected to the allegedly less favourable treatment cannot apply to those "others". If a person has been dismissed because he is incapable of doing his job, there is no point in making the lawfulness of his dismissal depend on whether those who are capable of doing their job would have been dismissed. If a person has been dismissed because he will be absent from work for a year, there is no point in making the lawfulness of his dismissal depend on whether those who will not be absent from work will be dismissed. If a tenant has been given notice terminating his tenancy because he has sublet in breach of the tenancy agreement, there is no point in making the lawfulness of the action taken by the landlord dependant on whether notice to quit would have been served on tenants who had not sublet. Parliament must surely have intended a meaningful comparison in order to distinguish between treatment that was discriminatory and treatment that was not.

(2) In order for the alleged discriminator to "relate to" the disability for the purposes of s.24(1)(a), it is necessary that the discriminator knows of, or ought to know of, the disability, at the time of the alleged discriminatory act. Unless the discriminator has knowledge or imputed knowledge of the disability, he cannot be guilty of unlawful discrimination under the Act.

That interpretation is supported by the fact that s.25(1) provides that a claim based on unlawful disability discrimination may be made the subject of civil proceedings in the same way as any other claim in tort, damages being recoverable. This points towards a requirement of knowledge. Moreover, the grounds of justification specified in s.24(1) of the Act assume that the discriminator has knowledge of the disability. It would be anomalous

Peter Stein v Tesco Stores Ltd
trademarks

06/111150/2010 - 9th August 2010.

Registered Judgement 22nd July 2011

signed by judge Susan A Tracy

claimant appeal to EAT/SCOTLAND

EAT 11th August 2011.

Ref - UK EAT PPS/0100/11/B1

Lady Smith orders - 4th October 2011

Rule 3 (7)

Lady Smith orders - 25 November 2011

Rule 3 (8)

Lady Smith orders - Rule 3 (10)

- 25th March 2012

Dismissed of Appeal - 18th April 2012

Further expenditure - 19th July 2012

For order - cost of Inheritance - 18th April
2012

Notice of Appeal from Decision of Employment Tribunal

- 1 The appellant is (*name and address of appellant*).

MR PETER STILL
113 GLEBE ROAD, WHITBURN, WESTLOTHIAN,
EH47 0AX

- 2 Any communication relating to this appeal may be sent to the appellant at (*appellant's address for service, including telephone number if any*).

(MOBILE CONTACT TELEPHONE (07836344848)
email - peterstill1969@hotmail.co.uk)

- 3 The appellant appeals from (*here give particulars of the decision of the employment tribunal from which the appeal is brought including the date*).

EMPLOYMENT TRIBUNAL, EDINBURGH, CASE 111150/2010
PETER STILL V TESCO STORES LTD + OTHERS
JUDGMENT 17th JUNE 2011, LEGAL POINT OF LAW
RAISED BY ADVOCATES AT SUMMING UP AFTER 3 DAYS

- 4 The parties to the proceedings before the employment tribunal, other than the ^{EVIDENCE} appellant, were (*names and addresses of other parties to the proceedings resulting in judgment, decision or order appealed from*).

TESCO STORES LTD, BRUCE BAUBERSTON, JOHN SULLIVAN
JOHN CLENGHAN AND GUY HENDERSON,

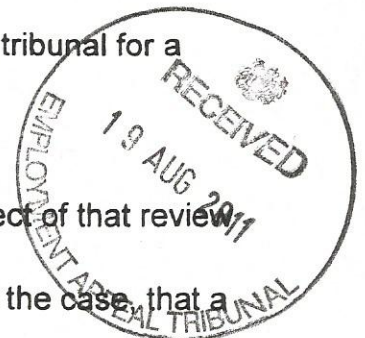
- 5 Copies of— C/O TESCO STORES DISTRIBUTION CENTRE CARNEGIE RD,
LIVINGSTON, WESTLOTHIAN, EH54 8TB

- (a) the written record of the employment tribunal's judgment, decision or order and the written reasons of the employment tribunal;
(b) the claim (ET1);
(c) the response (ET3); and/or (*where relevant*)
(d) an explanation as to why any of these documents are not included; are attached to this notice.

- 6 If the appellant has made an application to the employment tribunal for a review of its judgment or decision, copies of—

- (e) the review application;
(f) the judgment;
(g) the written reasons of the employment tribunal in respect of that review application; and/or
(h) a statement by or on behalf of the appellant, if such be the case, that a judgment is awaited;

are attached to this Notice. If any of these documents exist but cannot be included, then a written explanation must be given.



delivered at that hearing: if judgment is reserved, within 42 days of the date the transcript was sent to parties.

- 21.4 The party seeking permission must state the point of law to be advanced and the grounds.

22 Conciliation

- 22.1 Pursuant to Rule 36 and the overriding objective, the EAT encourages alternative dispute resolution. To this end it has agreed a pilot scheme with ACAS for ACAS to provide conciliation in certain cases. See 2007 Protocol.
- 22.2 In all cases the parties should, and when so directed must, consider conciliation of their appeals. The Registrar or a Judge may at any stage make such a direction and require the parties to report on steps taken, but not the substance, to effect a conciliated settlement with the assistance of an ACAS officer notified by ACAS to the EAT.

Per Elias

The Honourable Mr Justice Elias, President

Dated: May 2008

Employment Appeal Tribunal

Audit House, 58 Victoria Embankment, London, EC4Y 0DS

Tel: 020 7273 1041

Fax: 020 7273 1045

Email: londoneat@tribunals.gsi.gov.uk or edinburgheat@tribunals.gsi.gov.uk

Website: www.employmentappeals.gov.uk

- 7 The grounds upon which this appeal is brought are that the employment tribunal erred in law in that (here set out in paragraphs the various grounds of appeal).

TRIBUNAL ERRED IN UNANIMOUS JUDGEMENT IN DISMISSING ALL CLAIMS IN RELATION TO CLAIM 111150/2010 - Peter Still v Tesco Stores Ltd
 Bruce Bamberston - JOHN GIBBERT - JOHN CLEWISHAM AND GUY HENDERSON, ON 17th JUNE 2011 - ORAL JUDGEMENT - 23 JUNE 2011 REQUEST FOR WRITTEN REASONS BY CLAIMANT - WRITTEN REASONS 22 JULY 2011, EMPLOYMENT JUDGE SUSAN CRAIG

(grounds)

- (1) EMPLOYMENT JUDGE SUSAN CRAIG - MISAPPLIED, LAW-FORMULATED AND LISTED CLAIM DIRECT DISABILITY DISCRIMINATION AT PRE-HEARING 8th APRIL 2011, ALSO MAKING ORDER NOT ALLOWING EVIDENCE BEFORE MARCH 2009,
- (2) MR K M'GUIRE, WHO SUBMITTED WHICH WERE MADE BEFORE CLAIMANT, PARA WRITTEN JUDGMENT (51) - (71) (72) (73) WHICH WERE ACCEPTED AND NO QUESTION OF EVIDENCE, OR EXPLANATION WHAT HE WAS PUTTING FORWARD, THESE WERE IL-CONCERNED, MISCONCEIVED AND STATING I HAD CLAIMED DIRECT DISABILITY DISCRIMINATION AT NO POINT HAVE I WRITTEN OR SAID ORALY IN ANYTHING I WAS CLAIMING DIRECT DISABILITY DISCRIMINATION JDDA95

Signed: Peter Still Date: 18/08/2011

NB. The details entered on your Notice of Appeal must be legible and suitable for photocopying or electronic scanning. The use of black ink or typescript is recommended.

cont EAT 1.1 SEPARATE FORM
 GROUNDS

POINTS

③ FAILURE RESPONDENTS, BRUCE BARBOLTON - JOHN GILCREST - JOHN CLEGGHAN, TO APPEAR AT HEARINGS 14TH JUNE 2011, NO REASON OR EXPLANATION WHY THIS WAS.

② EVIDENCE SUBMITTED START HEARINGS AND DURING BY MR K M'GUIRE WAS NOT WHAT

IT WAS MADE OUT TO BE POLICE + PROSECUTOR'S STORY WAS FALSE - MISLEADING AND ASKING

NO QUESTION'S OF HOW OR PUT FORWARD AS FACTUAL - THIS WAS AGAIN ACCEPTED BY TRIBUNAL

AS ALL MR K M'GUIRE'S ISSUES SUBMITTED WERE NO REASON OR ATTEMPT TO EXPLAIN

ANY OF THIS OR INVOLVE ME IN ANY WAY ORAL JUDGEMENT 17TH JUNE 2011 - AFTERWARDS

6 NEARLY 7 WEEKS WITH WRITTEN REPLY BEFORE KNOW WHAT HAD OCCURRED, LOOKING AT WRITTEN JUDGEMENT, WOULD NOT THINK I WAS AT THAT HEARING AT ALL,

IF THERE IS A POINT LAW THAT GIVES LEGAL, POINT I'D LIKE APPEAL TRIBUNAL TO PUT CURRENT ORIGINAL ET1 TO A NEW

TRIBUNAL, TO GIVE ME A CHANCE OF FAIR HEARING AND LEGAL REPRESENTATION UNLESS I DON'T WANT. ALL MORN'S WERE...

ADDED NOTES

WOULD ASK ALL EVIDENCE PRE-DATED MARCH
2009 WHICH IS RELEVANT AND NOT ALLOWED
TO BE ALLOWED IF NEW HEARING IF APPEAL
IS SUCCESSFUL, COULD THIS BE DEALT WITH
AS SOON AS POSSIBLE, THIS HAS BEEN NEARLY
6 YEARS TO TRY AND GET A FAIR HEARING
5 YEARS WITHIN COMPANY AND NOW A YEAR
IN TRIBUNAL COURT, LOOK FORWARD TO
HEARINGS AND WOULD ASK FOR DIRECTION
AS TO PROCEED, TRYING TO GET LEGAL REVIEW
BUT AS YET SOON AS I MENTION RESPONDENTS
NOT EVEN ISSUES MENTIONED, CAN'T HELP YOU
WAY OUT YOUR DEPTH, BUT IF GOES FORWARD
TO HEARINGS I'LL HAVE MORE CHANCE OF FINDING
SOME LEGAL OR ADVISOR, WHO MIGHT HELP
AGAINST THE POWER THAT BT TESCO STORES
LTD AND FOUR MANAGERS,

Kind Regards

Peter Stur

18/8/2015

7

The grounds upon which this appeal is brought are that the employment tribunal erred in law in that (here set out in paragraphs the various grounds of appeal).

(7.1) Submissions made by respondents advocate, page 8 written reasons, para (51) also page 13 para (73) which tribunal agrees, no factual evidence or any sort of request by tribunal for MR K M'QUIRE to provide such evidence, no question of any sort, or to explain, to CLAIMANT, WHAT MR K M'QUIRE WAS PUTTING FORWARD, OR IT'S EFFECT. ON ANY OUTCOME, JUDGEMENT THESE WERE PUT BEFORE CLAIMANT'S SUBMISSION, (16/6/11) THEN ADJOURNED FOR 15 MINS, CLAIMANT SUBMISSIONS, HEARINGS ADJOURNED AT 13.00 pm. TILL FOLLOWING MORNING, WHERE ORAL JUDGEMENT WAS GIVEN, AGAIN NO EXPLANATION, IN ANY WAY MADE AS WHAT OR WHY THE OUTCOME WAS ONE I COULDN'T ARGUE FOR REVIEW AS WHAT DIDN'T UNDERSTAND WHAT HAD OCCURRED AND FROM 17/6/11 UNTIL 22/7/11, WAS OR HEARING RESULTED

(7.2) MR K M'QUIRE submitted that the claimant formulation of claim of Direct Disability Discrimination in relation to DDA 95, ill conceived, claimant sought could not amount to claim of Direct DDA 95. This formulation was never made at any time written or orally by claimant of Direct Disability Discrimination. This was in fact put forward, by employment judge (Susan Cary) Pre-Hearing (date) 8th April 2011

Signed: Peter StillDate: 17/8/2011

NB. The details entered on your Notice of Appeal must be legible and suitable for photocopying or electronic scanning. The use of black ink or typescript is recommended.

(7.3) MR K M'QUIRE SUBMISSIONS WERE MISLEADING, AS WAS EVIDENCE PROVIDED AT START OF HEARINGS 14 JUNE 2011 + 15TH JUNE 2011 THESE DOCUMENTS WERE FALSE TO MISLEAD TRIBUNAL, AND DID SO TO MAKE THAT TESCO STORES LTD POLICY + PROCEDURE, IN RELATION TO S.Y.A. ATTENDANCE POLICY TO MAKE THAT THESE HAD BEEN FOLLOWED IN FULL. IN RELATION TO INTERNAL COMPANY'S OWN POLICY, THESE WERE PUT AS TESCO STORES LTD, PROCEDURE AND WERE NOT OR HAD BEEN PART OF COMPANY SYA, NO QUESTION OF HOW THESE DOCUMENTS OR EVIDENCE OF ANY SORT TO PROVE THESE WERE COMPANY'S CORRECT SYA AS THERE WASN'T ANY, OR ASAN AS ACCEPTED AS BEING WHAT MR K M'QUIRE WAS SAYING THEY WERE BY TRIBUNAL.

7.4) ORDER MADE PRE-HEARINGS REVIEW 8TH APRIL 2011 AGAIN ERROR BY EMPLOYMENT JUDGE SUSAN TRAVIS, THAT ANYTHING BEFORE MARCH 2009 WAS NOT TO BE ALLOWED THIS WAS 3 YEARS PREVIOUS THEN, AND RELEVANT TO DISMISSAL 13TH MAY 2010, WHEN 124 days sickness absence in that period due to (Back-pain) AND PREVIOUS DISMISSAL 'RETURNED, BY REGIONAL PERSONNEL MGR, THAT WAS SICKNESS (BACK-PAIN) WHICH START 3 11 NOVEMBER 2005, ON RETURNED APPEAL 22 FEB 2006 RELEVANT TO DISMISSAL 13TH MAY 2010, BUT ARKED WITHIN TRIED TO RAISE ANYTHING BEFORE MARCH 2009, SO TO PUT NO EVIDENCE, TO SAY OR QUESTION. X V7

(7.5) DDA 95, DIRECT DISABILITY DISCRIMINATION AND BOUND TO FAIL, TRIBUNAL. ERROR BY LETTING THE PROCEED TO BE HEARD, TO LISTEN FOR FULL HEARING, WHICH WAS MADE 8th April 2011 AND ENDED 17th JUNE 2011 NO TIME DURING THESE DATES, WAS THIS MISCONCEIVED, ILL CONCEIVED FORMULATION CORRECTED, INSTEAD PROCEEDED, AS CORRECT. AND EMPLOYMENT JUDGE S CRAIG AND TWO LAY MEMBERS DIDNT KNOW OF THE ERROR UNTIL MR K M'GUIRE, HIS HUSBAND THIS AT END OF HEARINGS, AGAIN NO QUESTION AS TO CAUSE OR EXPLANATION FROM THE ERROR, OF DDA 95 CLAIM.

(8) FAILURE BY RESPONDENTS, BRUCE BALBASTON, JOHN RILCRIST, AND JOHN CROSHAN TO APPEAR AT HEARINGS, OR ANY EXPLANATION GIVEN TO WHY THEY HAD NOT APPEARED, AS (MR ANDREW PARASCANDOLA) SOLICITOR SQUIRE SANDERS, DIDNT APPEAR, EITHER TWO OF NAMED RESPONDENTS DID APPEAR FOR WORK AT TESCO STORES LTD LIVINGSTON D, C CARNEGIE ROAD, LIVINGSTON, ON 14th JUNE 2011, ON SAME DAY THEY WERE TO BE AT TRIBUNAL HEARINGS, WHY OR ANY KIND OF QUESTION TO THEIR NON-APPEARANCE

(8.3)

All case management, orders - directions
of PRE - HEARING REVIEWS, WERE MADE ONLY
IN MY DIRECTION, PUT TO STRICT PROOF, NOTHING
ASKED OR DIRECTED IN RELATION TO ANY OF
FILE NAMED RESPONDENTS, EVERYTHING ASKED
OR REQUESTED FOR WAS AGAIN ONE - WAY
IN MY DIRECTION I DID ALL OF THIS, AS QUICKLY
AND TO SEND COPY'S AS RECORDED DELIVERY, IF
NOT ON TIME, SENT BOTH TRIBUNAL AND RESPONDENT,
EXPLANATION OF DELAY, AND WHEN SENT, EMAIL
SENT TO SAY THAT THERE WERE SENT RECORDED
DELIVERY AND WOULD BE THERE FOLLOWING DAY,
EVERYTHING DONE AND. AT EVENTUAL HEARING
THREE RESPONDENTS NON - APPEARANCE, NOTHING
ASKED ANYWAY OF RESPONDENTS IN NEARLY A
YEAR, NOT A QUESTION OR REASON WHY
ON THE ONLY OCCASION THEY HAD TO BE IN.
TURNING UP ON 14th JUNE 2011, MR ANDREW
PARASCANOLO THINKS THIS WAS ANOTHER ORDER
OR REQUEST I SHOULD HAVE ADDED TO THE LIST
CARRIED ON TO THE REST I STRUGGLED TO COMPLETE
AND AS I HADN'T DONE SO THEN IT WAS A FAILURE
ON MY BEHALF, ANOTHER PARASCANOLO SAYS THIS
IS THE (RULES) AND GUID OF MATTER RULES ARE
RULES AND CAN'T BACK - TRACK IT SEEMS THAT
IS WHAT I'M TRYING AND HE WAS SURPRISED I WAS
DOING THIS, AND NOTICE OF APPEAL WOULDN'T GET
DAST THE REGISTER, ANYWAY

EAT 1.5 FORM CONTINUED

(8.4)

Tribunal Procedures, EQUAL TERMS PARTIES EQUAL FOOTING ENSURING FAIR PROCEEDINGS, DEALING WITH CASE IMPORTANCE AND COMPLEXITY OF THE ISSUES, ANY SORT OF FAIRNESS IS LIKE MR M'GUIRE'S SUBMISSIONS SOMETHING THAT I MISSED OR DIDN'T INCLUDE ME BEING MADE AND NO NEED TO. AS IF IT HAD BEEN WORKED OUT. CHANGE ANYTHING OF END RESULT ANYHOW. DECISION RESULT, OUTCOME, FINAL JUDGEMENT. NO CHANCE. CAN'T FAIL, MR M'GUIRE PUTS ANY END TO CLAIMANT'S CLAIMS AND MARKS THE POINT THAT MY CLAIMS WERE MADE AND DOOMED BEFORE START, ASHAMED MR M'GUIRE SHOULD HAVE ALL OR BE ABLE TO PROVIDE FACTUAL EVIDENCE THAT I HAD MADE A CLAIM THAT HE WAS STATING I'D MADE - WHEN AND WHEN THIS HAPPENED IS MR M'GUIRE'S OPENING ANSWER TO PROVE WHAT YOUR MAKING OF BEING FACT.



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Your Reference:

Our Reference:

UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX



04 October 2011

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I am writing with reference to your Notice of Appeal in the above case from the Decision of an Employment Tribunal sitting at Edinburgh and promulgated on 22 July 2011.

Under Section 21 of the Employment Tribunals Act 1996, this Appeal Tribunal only has jurisdiction to hear appeals from Employment Tribunal Decisions on questions of law, i.e. where it is argued that the Tribunal made some mistake in its interpretation or application of the law in reaching its decision. This means that it is not the function of this Appeal Tribunal to re-hear the facts of a case or to review an Employment Tribunal's decision on those facts.

The appeal has been referred to THE HONOURABLE LADY SMITH in accordance with Rule 3(7) of the Employment Appeal Tribunal Rules (amended) 2004 and in Her opinion your Notice of Appeal discloses no reasonable grounds for bringing the appeal. She states:

An appeal lies to the Employment Appeal Tribunal only where the notice of appeal contains reasonable grounds that the Employment Tribunal erred in law. It is not an opportunity for a rehearing of the original claim. Further, assertions that the facts were other than as found by the Employment Tribunal are not grounds that the Tribunal erred in law, fact finding being pre-eminently a matter for the tribunal of first instance. It is plain from the notice of appeal that the claimant would wish this tribunal to reconsider the evidence and, it seems, consider further evidence all with a view to different findings in fact being made but to do so would be outwith its jurisdiction. Whilst he is critical of Mr McGuire's submissions, it was plainly open to the tribunal to accept them. Regarding his assertion that he was not



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

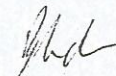
Facsimile : 0131 220 6694

advancing a claim of direct discrimination, that was the only disability discrimination he could have been advancing, given that there is no hint in his claim of a relevant indirect discrimination claim. As the tribunal records, at paragraph 10, by the time of the full hearing, the issue regarding disability was whether or not the claimant had been dismissed on grounds of disability and if so, whether he had received less favourable treatment; that is, the disability claim was of direct discrimination. It is plain from the notice of appeal that the claimant would wish to revisit the historical events to which the Employment Judge refers but they were not relevant to the issues before the tribunal and, in any event, nothing he states regarding them or indeed, regarding the other matters to which he refers, indicates that he has any cogent ground that the tribunal erred in law. No reasonable grounds are advanced and rule 3(7) applies.

For the above reasons the learned judge considers that this Appeal has no reasonable prospect of success and that, in accordance with Rule 3(7), no further action will be taken on it.

Your attention is drawn to Rules 3(8) and 3(10) of the EAT Rules. A copy of Rule 3 is enclosed with this letter.

Yours faithfully


Ms J Johnson
Deputy Registrar

CC: Respondent
Edinburgh Employment Tribunal (ref: S/111150/10)

27 OCT 2011
EMPLOYMENT TRIBUNAL

Notice of Appeal from Decision of Employment Tribunal

- 1 The appellant is (name and address of appellant).

PETER STILL
113 GLEBE ROAD, WHITBURN, WEST LOTHIAN
EH 47 0AX

- 2 Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number if any).

MOBILE PHONE (07836344848)

- 3 The appellant appeals from (here give particulars of the decision of the employment tribunal from which the appeal is brought including the date).

ETS11150/10 HEARINGS 14-15-16-17 JUNE 2011
WRITTEN JUDGMENT 22 JULY 2011, ET SCRAIS
MEMBERS, K CONNOR - J TERRY

- 4 The parties to the proceedings before the employment tribunal, other than the appellant, were (names and addresses of other parties to the proceedings resulting in judgment, decision or order appealed from).

TESCO STORES LTD - JOHN GILCREIST - BRUE BALDWIN -
JOHN CLENCHAW - GUY HENDERSON -

ALL C/O LIVINGSTON D.C TESCO DISTRIBUTION CENTRE
CARNEGIE ROAD, DEANS, LIVINGSTON

- 5 Copies of—
- the written record of the employment tribunal's judgment, decision or order and the written reasons of the employment tribunal;
 - the claim (ET1);
 - the response (ET3); and/or (where relevant)
 - an explanation as to why any of these documents are not included; are attached to this notice.

- 6 If the appellant has made an application to the employment tribunal for a review of its judgment or decision, copies of—

- the review application;
- the judgment;
- the written reasons of the employment tribunal in respect of that review application; and/or
- a statement by or on behalf of the appellant, if such be the case, that a judgment is awaited;

are attached to this Notice. If any of these documents exist but cannot be included, then a written explanation must be given.

delivered at that hearing: if judgment is reserved, within 42 days of the date the transcript was sent to parties.

- 21.4 The party seeking permission must state the point of law to be advanced and the grounds.

22 Conciliation

- 22.1 Pursuant to Rule 36 and the overriding objective, the EAT encourages alternative dispute resolution. To this end it has agreed a pilot scheme with ACAS for ACAS to provide conciliation in certain cases. See 2007 Protocol.
- 22.2 In all cases the parties should, and when so directed must, consider conciliation of their appeals. The Registrar or a Judge may at any stage make such a direction and require the parties to report on steps taken, but not the substance, to effect a conciliated settlement with the assistance of an ACAS officer notified by ACAS to the EAT.

Per Elias

The Honourable Mr Justice Elias, President

Dated: May 2008

Employment Appeal Tribunal

Audit House, 58 Victoria Embankment, London, EC4Y 0DS

Tel: 020 7273 1041

Fax: 020 7273 1045

Email: londoneat@tribunals.gsi.gov.uk or edinburgheat@tribunals.gsi.gov.uk

Website: www.employmentappeals.gov.uk

7 The grounds upon which this appeal is brought are that the employment tribunal erred in law in that (here set out in paragraphs the various grounds of appeal).

Ground 1 Case MANagements 1/11/10 issues RAISED ADVOCATE RESPONDENTS MR PISON, (DISABILITY) PRE-HEARINGS 12/01/11 CASE MANAGEMENT 28/01/11 ISSUED. RAISED ADVOCATE RESPONDENTS MR K M'QUIRE (TIME-BRMR) PRE-HEARINGS REVIEW 8/4/11 EMPLOYMENT JUDGE SUSAN CRAIG - REQUEST EMAIL SENT BY CLAIMANT PETER STIL FOR EMPLOYMENT JUDGE SUSAN CRAIG, 14/4/11 FOR PRE-HEARING REVIEW ON DIRECT DISCRIMINATION CLAIM UNFINR DISMISSAL. LISTED FOUR DAYS BY JUDGE CRAIG ON 8/4/11 REPLY TO REQUEST REFUSING CLAIMANTS REQUEST 27/4/2011. (RULE 10)

Ground 2 Rule 30 (6) 2004, 27 Oct 2011
MEEK V BIRMINGHAM CITY COUNCIL (1987)
written Reason 22 July 2011 page (13)
number (73) Four Day Hearings) ET Bundle
500 PAGES T. O, H, A - PRIED/VICES ?
I WOULD LIKE TRIBUNAL TO MAKE JUDGMENTS AS SEE'S FIT, IF APPEAL SUCCEEDS

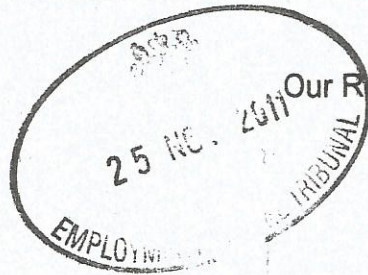
Signed: Peter Stil Date: 27/10/2011

NB. The details entered on your Notice of Appeal must be legible and suitable for photocopying or electronic scanning. The use of black ink or typescript is recommended.



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street
Edinburgh EH3 7HF
Telephone : 0131 225 3963
Facsimile : 0131 220 6694



Your Reference:

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

25 November 2011

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I am writing with reference to your Notice of Appeal in the above case from the Decision of an Employment Tribunal sitting at Edinburgh and promulgated on 22 July 2011.

Under Section 21 of the Employment Tribunals Act 1996, this Appeal Tribunal only has jurisdiction to hear appeals from Employment Tribunal Decisions on questions of law, i.e. where it is argued that the Tribunal made some mistake in its interpretation or application of the law in reaching its decision. This means that it is not the function of this Appeal Tribunal to re-hear the facts of a case or to review an Employment Tribunal's decision on those facts.

The appeal has been referred to The Honourable Lady Smith in accordance with Rule 3(8) of the Employment Appeal Tribunal Rules (amended) 2004 and in her opinion your Notice of Appeal discloses no reasonable grounds for bringing the appeal. She states:

The first ground in the rule 3(8) application, dated 27 October 2011, appears to seek to appeal against case management decisions made in January and April 2011. The time limits for appealing against these decisions are long since past. It is now too late to present appeals against them. The second ground of appeal is incomprehensible. It remains the case that no reasonable grounds of appeal are advanced and rule 3(9) applies.

For the above reasons the learned judge considers that this Appeal has no reasonable prospect of success and that, in accordance with Rule 3(9), no further action will be taken on it.

Your attention is drawn to Rule 3(10) of the EAT Rules.

Yours faithfully

Ms J Johnson
Deputy Registrar

cc Respondent
Edinburgh Employment Tribunal (ref: S/111150/10)



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

06 January 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and your letter dated 14 December 2011. This letter has been treated as an application under Rule 3(10). The hearing will be before a judge sitting alone at which the Appellant only will be heard.

This matter will now be referred to the EAT List Office for listing of the forthcoming hearing. The Appellant is therefore requested to provide their available dates during the next 12 months. It is also important that we are advised of Counsel's details (if you instructed) at the same time to avoid difficulties or conflicts with the future hearing. A response is required within 7 days from the date of this letter; late responses will not be considered. If you do not provide this information, a date will be fixed without further reference to you.

If you have any queries regarding the listing of this matter then you should contact the EAT List Office on 020 7273 1024/1038.

Yours faithfully

Joanna Williamson
for Registrar

cc The Respondent
Edinburgh Employment Tribunal (ref:S/111150/10)

EMPLOYMENT APPEAL TRIBUNAL

Appeal No:

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the decision of an Employment Tribunal sitting at Edinburgh and entered in the Register on the 22th day of July 2011.

BETWEEN:

Mr Peter Still

Appellant

and

Tesco Stores Ltd. & Others

Respondents

RULE 3(10) APPLICATION

TAKE NOTICE that this Appeal will be in the List for hearing before the Employment Appeal Tribunal sitting at **52 Melville Street, Edinburgh EH3 7HF** at 10:30 AM on the 23/03/2012.

The estimated duration of the hearing is no longer than **1 Hour** and you are required forthwith to notify the Registrar of any matters that may affect the length of the hearing.

Dated the 9th day of February 2012

for Registrar

TO: Mr Peter Still the Appellant
Squire, Sanders & Dempsey (UK) LLP for the Respondent

The Secretary of the Employment Tribunals

- Please note:
- (a) Any interim applications must be made AT LEAST SEVEN DAYS BEFORE THE DATE OF THE HEARING.
 - (b) Authorities to which you or Counsel may refer should be lodged in accordance with paragraph 14 the Practice Direction (Employment Appeal Tribunal – Procedure) 2004.
 - (c) Should the Appeal be settled or withdrawn before the date of the hearing the parties MUST notify the Tribunal IMMEDIATELY.
 - (d) Although a time has been set for the hearing of this appeal you should be aware that circumstances may mean this matter can come on anytime before 4.00 pm.



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street
Edinburgh EH3 7HF
Telephone : 0131 225 3963
Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

12 March 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter. I am writing to inform you that 2 copies of the Chronology were due to be lodged by 4:00 pm on 9 March 2012.

Your letter dated 29 February 2012 stated that an index was to be sent. We require an index for the pages of the document bundles.

Please lodge 2 copies of the Chronology and an index for the document bundles by 4:00 pm on Friday 16 March 2012. One copy of the bundle of Authorities is also due to be lodged by this date.

Yours faithfully

Joanna Williamson
for Registrar



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street
Edinburgh EH3 7HF
Telephone : 0131 225 3963
Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

16 March 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and acknowledge receipt of the supplementary documents for the bundles and the copy of the index for the bundles.

I am writing to inform you that pages 96, 97, 98 and 99 of the document bundle is missing. The document bundles now number 184 pages. The page limit for the document bundle is 100 pages.

Please lodge an application for the bundles to be lodged at over 100 pages, together with an essential reading list, by 4:00 pm on Tuesday 20 March 2012. Please also lodge the missing pages of the bundle on this date.

Please note that 2 copies of the Chronology were due to be lodged by 9 March 2012 and 1 copy of the Authorities was due to be lodged by 16 March 2012.

Yours faithfully

Joanna Williamson
for Registrar

UK EAT PAS/0100/11/B1
RULE 3(10) HEARINGS
RE-LISTED FOR 17/4/2012.
PETER STILL V TESCO STORES LTD + OTHERS

PETER STILL
113 BLEBE ROAD,
WHITBURN,
WEST LOTHIAN,
EH47 0AX.

HAVING HEARINGS RE-LISTED FOR 17/4/2012, THE CHRONOLOGY
GROUNDS FOR APPEAL, READING LIST THAT I HANDLED INTO
EAT IN EDINBURGH, ON FRIDAY 16TH MARCH 2012. ALSO
DOCUMENTS TO ADD TO EAT BUNDLE, THIS TOOK EAT BUNDLE
TO OVER 100 PAGES, SENT APPLICATION AS REQUESTED TO
REQUEST APPLICATION THAT BUNDLE TO CONTAIN 100 PAGES.
PAGES, BEING GIVEN A NEW HEARING DATE, I HAVE MORE
DOCUMENTS TO ADD TO EAT BUNDLE, ALONG WITH THIS I
WOULD LIKE TO CHANGE THE 36 PAGES CHRONOLOGY ALSO
READING LIST, GROUNDS OF APPEAL TO PUT IT EASIER TO
UNDERSTAND, SET OUT WITH LAST 36 PAGES THIS WAS DONE
WITH VERY LITTLE TIME AND WAS RUSSO TO HAVE IT DONE
IN TIME WAS GIVEN, I WILL WRITE IT OUT WILL BE SAME
BUT EASIER TO UNDERSTAND ALSO NOW GOT A LITTLE MORE
TIME WOULD BE ADDING TO THIS MORE INFORMATION, DOCUMENTS
ALL WERE CONTAINED IN TRIBUNAL HEARING BUNDLE, AND
I HAVE PROVIDED THIS ALONG WITH THIS LETTER, THIS IS
EVERYTHING, I WILL BE RETURNING ON FOR MY RULE 3(10)
HEARINGS 17TH APRIL 2012 EAT 2.00PM.

Kind Regards
Peter Still

(claimant)
Appellant.

APPLICATION FOR BUNDLE
100 PAGES + FOR ENT.
BUNDLE RULE 3(10)
MARCH 23/3/2012

PETER STILL
113 QUEBE ROAD
WESTBURN
WEST Lothian
EH47 0AX

I Peter Still claimant case number UKCAT PAS-0100/11/131, PETER STILL v TESCO STORES LTD + OTHERS APPEAL AGAINST JUDGMENT 11150/200 17th JUNE 2011 EMPLOYMENT TRIBUNAL EDINBURGH WRITTEN REASONS OUT20 22 JULY 2011, APPLICATION TO LODGE ENT BUNDLES TO BE LODGED AT OVER 100 PAGES, ALL PAGES IN BUNDLE THAT CLAIMANT LODGED TO ENT. WORK WILL IN ORIGINAL HEARINGS BUNDLE DATE 14-15-16-17 JUNE 2011 AND ARE VITAL TO MY APPEAL IN RELATION TO TIES CLAIM, HAVING NO LEGAL REPRESENTATIVE AND HAVING TO DO THIS ON MY OWN I'D DATE THIS TO THE BEST OF MY KNOWLEDGE THE EXTRA DOCUMENTS INCLUDED ARE VITAL TO MY APPEAL TO HIGHLIGHT WHAT MY APPEAL IS THESE ARE ALL ORIGINAL DOCUMENTS THAT WERE FROM MY PERSONAL FILE WHICH I HAD SUBMITTED TO BUNDLE FOR MY HEARING PUTTING ALL OF THIS IN TIME QUEN SINCE DATE FOR RULE 3(10) STATE HAS BEEN VERY LATE, FUNDAMENTALLY MY IT. TO TIME ALREADY I'D DONE THIS BEST I CAN, TO FORWARD WHAT I THINK THERE IS PROBABLY FOR PUTTING THE JUDGMENT ON 17th JUNE 2011 AND 22 X 2011 AS THIS IS FINAL CHANGE TO PUT TIES IN SET, I'VE INCLUDED AS MUCH AS I COULD IN CONTROL THIS HOPE THIS EXPLAINING MY POSITION

Kind Regards

Peter Still

1/3/2012



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963 (London office 020 7273 1024)

Facsimile : 0131 220 6694 (London office 020 7273 1045)

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

21 March 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to our telephone conversation of today's date and write to confirm that the hearing set for 23 March 2012, has now been vacated. This is because the Judge has become unavailable.

As discussed, the matter has been re-listed for 17 April 2012, at 2.00pm.

I apologise for any inconvenience this may have caused. Please find enclosed your new hearing details.

Yours faithfully

Anne Lai
for Registrar

cc Squire, Sanders & Dempsey (UK) LLP for the Respondent

EMPLOYMENT APPEAL TRIBUNAL

Appeal No:

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the decision of an Employment Tribunal sitting at Edinburgh and entered in the Register on the 22th day of July 2011.

BETWEEN:

Mr Peter Still

Appellant

and

Tesco Stores Ltd. & Others

Respondents

RULE 3(10) APPLICATION

TAKE NOTICE that this Appeal will be in the List for hearing before the Employment Appeal Tribunal sitting at **52 Melville Street, Edinburgh EH3 7HF** at 2:00 PM on the 17/04/2012.

The estimated duration of the hearing is no longer than **1 Hour** and you are required forthwith to notify the Registrar of any matters that may affect the length of the hearing.

Dated the 21st day of March 2012

for Registrar

TO: Mr Peter Still the Appellant
Squire, Sanders & Dempsey (UK) LLP for the Respondent

The Secretary of the Employment Tribunals

- Please note:
- (a) Any interim applications must be made **AT LEAST SEVEN DAYS BEFORE THE DATE OF THE HEARING.**
 - (b) Authorities to which you or Counsel may refer should be lodged in accordance with paragraph 14 the Practice Direction (Employment Appeal Tribunal – Procedure) 2004.
 - (c) Should the Appeal be settled or withdrawn before the date of the hearing the parties **MUST** notify the Tribunal **IMMEDIATELY.**
 - (d) Although a time has been set for the hearing of this appeal you should be aware that circumstances may mean this matter can come on anytime before 4.00 pm.



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

26 March 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and your application for the bundle to be lodged at over 100 pages.

I am writing to inform you that the Judge has refused your request, directing that the bundle can be no more than 100 pages long.

If you wish to lodge amended bundles in light of this decision, please lodge 2 copies of the amended bundle by 4:00 pm on Thursday 5 April 2012.

Yours faithfully

Joanna Williamson
for Registrar



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street
Edinburgh EH3 7HF
Telephone : 0131 225 3963
Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

04 April 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and acknowledge receipt of your letter which was received on 3 April 2012 and note that you request a postponement of the hearing and for the matter to be listed before a different Judge.

Your letter has been referred to the Judge for direction and the Employment Appeal Tribunal will issue further directions in due course.

Yours faithfully

Joanna Williamson
for Registrar

UKCAT PAS/0100/11/51

RULE 3 (10) HEARINGS RE-LISTED FOR
17th APRIL 2012 FROM 23rd MARCH 2012

PETER STIC V TESCO STORES LTD + OTHERS
ET 111150/2010 ORAL JUDGEMENT 17th JUNE
2011. WRITTEN REASONS JUDGEMENT 22 JULY 2011
PLEASE REF FOLLOWING BEFORE REGISTRAR
SENT 5th APRIL 2012. BY CLAIMANT PETER STIC
REQUEST FOR RULE 3(10) HEARINGS LISTED
FOR 17th APRIL 2012 AT 200PM EAST EDW-
BURGH PLEASE. REPLY A, S, A, P, MATCH.
APPRECIATED IF THIS IS DEALT WITH AS
QUICK AS POSSIBLE. PLEASE DON'T JUST
LET THIS TO LADY SMITH, TO DECIDE UPON
CLAIMANT

Regards

Peter Stic

5/4/2012

DATE 05/04/2012.

UICAT PAS/0100/11/31
ET CASE NUMBER (111150/2010)

RULE 3 (10) HEARINGS
LISTED FOR 17/04/2012

E-LISTED AFTER HEARINGS 23/03/2012
HEARD OUT TO JUDGE UNAVAILABLE.

AFTER RECEIVING PHONE CALL FROM EAT CANBURGH
ON 21/03/2012. AT THE SAME TIME WAS GIVEN
NEW HEARINGS DATE FOR 17/04/2012 200PM.

MY APPEAL TO THE EAT IS IN RELATION TO JUDGMENT DIS-
MISSAL MY CLAIMS OF UNFAIR DISMISSAL AND DIRECT
DISABILITY DISCRIMINATION DOUGS (THE ACT) S 3A(5)

HEARINGS WAS OVER FOUR DAYS 14th - 15th - 16th - 17th JAN - 2011
EAT JUDGMENT GIVEN ON 17th JUNE 2011, REQUEST FOR WRITING
PERSON SENT BY CLERK ON 23 JUNE 2011, THESE WERE
RECEIVED DATED 22 JULY 2011 SIGNED BY EMPLOYMENT
RANGE SUSAN CUNY, CLERK ET/111150/2010 PETER STILL V
300 STORES LTD + OTHERS, FROM STATE OF CLAIM I HAD
PRESENTED WHICH AND CONTINUE TO DO SO. TO PRESENT

ME, MY FIRST NOTICE OF APPEAL, WHICH WAS REFUSED
BY LADY SMITH WITH REASON DATED 4th OCTOBER 2011 A
SECOND NOTICE OF APPEAL WAS ALSO REFUSED BY LADY SMITH
ON 25th NOVEMBER 2011, I THEN APPLIED FOR RULE 3

(10) HEARINGS LETTER DATED 14th DECEMBER 2011, LETTER
DATED 6/01/2012 THAT RULE 3 (10) HEARINGS WOULD BE HELD
ON 17/04/2012 AT 2.30 PM. EAT CANBURGH, BEFORE REPLYING TO ATTENDANCE.

THIS DATE I MADE APPOINTMENT AT (CAS) ADVISORS
EXPLANATION WHICH I THOUGHT WAS PREVIOUS FOR APPEAL
ON HOW IF ANY TO PUT TO EAT AS PREVIOUS OF APPEAL
IF WORKING WTS THEN THAT I HAD PREVIOUS FOR APPEAL
HOW TO PUT FORWARD FOR RULE 3(10) HEARINGS

PETER STILL
113 ELGBE ROAD
WITTON WORN
WEST LOTHIAN
EH47 0AX

was given locate legal firms to contact which I did
was told as I'd started and reviewed myself, couldn't
help at this late stage in the time given, I then
started to put together my grounds of appeal for
Rule 3 (10) hearings along with documents for CAT
bundle this took a total of six weeks and having
to pay for photo-copy and two bundles for Rule 3 (10)
hearings on 23 March 2012. He along left CAT office
in Cornbury updated with my delays in providing
documents, explained that was on disability benefits
and don't have financial help, able to send at
last, over six weeks put together a CAT bundle
which ended up being 186 pages in total, also sent
written background, grounds of appeal, bundle with
written reasons list, 36 pages written, background
grounds of appeal, documents relating to grounds of
appeal, pages in the CAT bundle what they were and
it vital to grounds of appeal, the start of putting
in new notice of appeal, I had sent two bundles
in January 95 pages in total, this included ET1
to furnish written answers, DLS6 questionnaire
by claimant, responses to DLS6 questionnaire, ET3
by and grounds of resistance, case management
order 15th November 2011, medical documents
order of case management, at same time F, B, P's
things out all claims of discrimination, by written
order, there was another case met. on 28 February
12 where more orders made no pre-hearings
law time-bar which was set April 2011
and with written reasons dated 22 July 2011,
and by employment judge Susan Corry, this
is CAT bundle to 95 pages this did not include

CAT BUNDLE TO BE LOANED IT OVER 100 PAGES, THEIR
 DIRECTION, THAT BUNDLE CAN CONTAIN ONLY 100 PAGES.
 AFTER RECEIVING THIS CONTRACTED EAST OFFICE IN
 EDENBURGH BY PHONE, TO FIND OUT WHAT JUDGE HAD
 REFUSED APPLICATION TO LOAN BUNDLE OVER 100 PAGES,
 JES TOLD THERE WAS NO REASON GIVEN TO WHAT MY
 BUNDLE TO CONTAIN OVER 100 PAGES AND REFUSED
 AS THIS DECISION BY LARRY SMITH TOTALLY MAKES
 ALL IVE DONE IN PAST SIX WEEKS, TO PREPARE MY
 CASE ON MY OWN, TO BEST OF KNOWLEDGE, THROUGHOUT
 THAT I'D EXPERIENCED A FEW HUNDRED OF YEARS IN
 A WAY THAT CAN BE UNDERSTOOD BY THIS APPELLATE
 COURT ALONG WITH THE USERS GROUNDS OF
 APPEAL ALL THIS IN THE TIME WAS GIVEN TELEPHONICALLY
 UNTIL 20th MARCH 2012, ALL THIS TIME OFFERED
 TO PAY COST OF PHOTOCOPYING AND TO
 TRY TO DO SO ON BENEFIT, TO GET TOLD
 BY PHONE ON 21st MARCH 2012 THAT DATE
 OF HEARING ON 23 MARCH 2012 WAS POSTPONED AS
 EDGE NOT AVAILABLE RELATED TO 17th APRIL 2012
 THEN NEXT AGAIN WEEKS RECEIVE LETTER TO SAY
 THAT ALL I HAD DONE TO PREPARE FOR HEARING WAS
 IN VAIN AND ALL THIS WAS NOW NO USE TO
 AT ALL WAS A TOTAL WASTE OF TIME AND TO BE
 IT THIS ALONG WITH THE MESSY REASON THAT LADY
 JUDGE DECIDED TO DO THIS I HAD BEEN PUT
 IN A POSITION THAT AFTER SO MANY YEARS
 OF BEING TOLD THAT JUDGMENTS BEING MADE
 WHILE AT WORK, WERE CONFUSING + POLICE
 CELLARS THREE AFTER 3 DECADES TO START TO
 ASK FOR TREATMENT + THE REAL POLICY REPORTER

TO HAVE NO INVESTIGATION TO WHEN ISSUES RAISED
OF MISCONDUCT. NO TREATMENT OF MEMORANDUM. DDD 95
WE ARE OFFERED A NUMBER OF YEARS. THEN AFTER FINALLY
TO HAVE AN INTERNAL INVESTIGATION, AFTER 3rd
DISCUSSION, PUT TO STRIKE PLACE, FOR EXECUTION
TO THEN RETURN FOR A HEARING WHICH WAS IN
A WAY THAT LEFT ME WITH KNOWLEDGE THAT
I'D LOST THE HOW OR WHY THIS WAS CONSIDERED
TO BE SOMETHING THAT HAS NOT BEEN EXPLAINED
NO ONE CONTINUED TO THIS DATE WITH TRYING
TO FIND OUT WHAT THE REASONS WERE TO WHY
I HAD LOST. AFTER THAT ONE HEARING IS 17th
JULY 2011. DATE JUDGEMENT, WRITTEN JUDGEMENT
22 JULY 2011, WHEN EMPLOYED AT TESCO WAS
A NEWBORN END OF DISCIPLINE, APPEAL
COMMITTEES, PROCEDURES, RAISED, COMPANY POLICY
PROCEDURES, TO THEN TAKE ANOTHER YEAR TO GET
A HEARING TO BE LEFT AT END OF WITH NO REASON
TO STATE THEN. WRITTEN REASONS THAT COMPLICATED
THINGS MORE, TO THEN APPEAL TWO NOTICES OF APPEAL
TO BE OFFICER OF LADY SMITH ON BOTH OCCASIONS
I PROVIDED FOR REASONS APPEAL, THEN TO REQUEST
CG 3(10) HEARING TAKE 6 WEEKS TO PRESENT
WILL. AND THEN NOTICE OF GROWING FOR APPEAL
TO HAVE LADY SMITH REFUSE APPEAL, THAT ENTIRE
WILL BE LODGED, AT OVER 100 PAGES, ALONG WITH
THE SAME AS TRIBUNAL JUDGEMENT, NO REASONS TO
BY THIS WAS, THEN GIVEN JUST OVER A WEEK
TO PROVIDE TWO CIRCUMSTANTIAL BUNDLES AT ONLY
2 PAGES, WHY LADY SMITH OR REASON FOR
IS REFUSED, NOT ONLY HAS THE BUDGET
HAD TO GO OVER AND DO SO ALL WITHIN

such as a short time, with no more than
100 pages that do not even include F, B, P.
was not only put no more stress + anxiety
on top of everything that I had went through
to continue to have obstacles put in front
of me over + over. This being my last chance
to put my experience and grounds for why
I'm opposing against the judgement
D. HESTER'S WHAT I NOW KNOW ABOUT
THAT JUDGEMENT, TO ATTEND Rule 3(10) HEARINGS
IN FRONT OF Lady Smith on RE LISTED DATE
of 17th April 2012, I KNOW THAT IF I DID ATTEND
THE OUTCOME WOULD BE SOMETHING I COULD NOT
BE GOING INTO. THUS I WOULD
BE GETTING A FAIR HEARING, OR ANY CHANCE
OF HAVING THE CHANCE TO QUESTION WHAT I
THINK ~~WAS~~ ALSO HAPPENED AT THE HEARINGS
USO. WITH THIS WAS ALSO NOT A FAIR HEARING
THAT ALREADY SENT A TWO PAGE LETTER SENT 2 APRIL
12 THIS IS A DETRIMENTAL EXPLANATION FOR THIS
CC 3(10) HEARINGS TO BE PUT IN FRONT OF
OTHER JUDGE. Lady Smith HAS REFUSED ME
2ND AND 3RD NOTICE OF APPEAL, ITED TO
FILE MY APPLICATION TO LODGE BUNDLE AT
2 10 PAGES, WITHOUT REASON, I WOULD BE
GONE TO TRAVEL TO CONDOLE TO HEAR MY
CC 3(10) APPEAL HEARING, IN FRONT OF MORTON

judge I know that there is only one judge
w Scotland to cover CAT claims that is Lord
Smith, as I have one more chance to get
with I'm appealing, in the interest of me
being able to argue a Rule 3(10) hearing and
be able to do so without being in doubt
of having a fair chance to put forward my
grounds of appeal. All this in CAT bundle
the contents over 100 pages, I would like this
to be restricted to 30 hours of argument most
in the CAT bundle over 100 pages and
the 30 page background, grounds of appeal.
I say I would be willing to travel to
London to have my Rule 3(10) hearing in
front of different judge, would also like
to highlight that this appeal is not a
CAT after the judgment, I requested a copy
of audio tapes of oral judgment on 17th
Jan 2011, was told that this was not possible
as tapes had been wiped and used a new
machine, could you make sure no other evidence
is missing or is destroyed before completion
this appeal, this has affected my partner -
the stress anxiety on top of work and
is matter not being represented though only
the more difficult, please let me know A/S, etc.
here this appeal goes from now.

Kind regards
Peter Gill

met



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street, Edinburgh. EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

10 April 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and acknowledge receipt of your letter dated 05/04/2012 which is receiving attention.

Yours faithfully

Barbara Inch
for Registrar



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street, Edinburgh. EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

12 April 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and your letters which were received on 3 and 10 April 2012 which were referred to The Honourable Lady Smith for direction. The Judge has directed as follows:

- 1. A decision has already been made in respect of the claimant's application to lodge a bundle in excess of 100 pages and cannot now be revisited. The request to have the rule 3(10) hearing proceed on the basis of bundle that exceeds 100 pages is refused.*

- 2. The application to have the rule 3(10) hearing postponed so as to be heard by a judge other than the Scottish Employment Appeal Tribunal judge is also refused as not being supported by any relevant reasons. For the avoidance of doubt, the rule 3(10) hearing is an opportunity for the claimant to make any oral submissions he thinks fit in support of the proposition that the notice of appeal presented under rule 3(8) (dated 27 October 2011) contains reasonable grounds of appeal. The matter is considered afresh, in the light of the oral submissions, and the fact that the rule 3(8) notice did not pass the sift on paper does not in any way mean that the outcome is predetermined.*



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference:

UKEATPAS/0100/11/BI

Mr P Still
84 Plessey Road
Bathgate
West Lothian
EH48 2XP

13 February 2015

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter; your letter of 3 February 2015 has been placed on the file.

Your attention is drawn to paragraph 7 of the EAT Practice Direction 2013 which states;

" 7.3 Any person shall be entitled...by appointment to inspect and request a copy of the following documents filed or presented to the London or Edinburgh EAT office ,namely:

7.3.1 Any Notice of Appeal or Respondent's Answer or copy thereof;

7.3.2 Any judgment or order given or made in court or any copy of such judgment or order

7.4 Any other document may be inspected only with the permission of the EAT which may be granted for proper reason on an application

7.5 A copying charge per page will be payable for those documents mentioned in paras 7.3 and 7.4 above"

Under the circumstances copies of the Notice(s) of Appeal, ET1,ET3 ET judgment(s)/reason(s), and the EAT orders made during the course of the appeal are enclosed for your use.

Yours faithfully

Simon Mennie
for Registrar



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street, Edinburgh. EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

3. The above matters, raised by the claimant in his letters of 3 and 10 April 2012, are matters which require judicial determination and have not, accordingly, been placed before the Registrar for determination by her.

Yours faithfully

A handwritten signature in black ink, consisting of the initials 'J.W.' followed by a large, stylized flourish.

Joanna Williamson
for Registrar

UKCATPA/D100/11/B1

Peter Salk

ET 111158/2010

113 ELABERD

Peter Salk v RSC & Social Law
+ others

WITNESS

WEST LORAMU

TO WHOM IT MAY CONCERN ARIAN APPLYING FOR
THE ABOVE CASE TO BE RESPONDED. AFTER IT
BEING ALLEGEDLY RESPONDED PER JUDGE BOND
UNRECOVERABLE ON 23 MARCH 2012 IT WAS RECEIVED
FOR 17 APRIL 2012. I WROTE A LETTER TO
THE REGISTRAR: WHICH WAS PUT TO LAYBY SOME-
WHERE, I AM NOT AWARE OF THE DATE
ON 17 APRIL 2012 DUE TO ILL HEALTH.

AM ON DISABILITY DUE TO DEPRESSION -
ANXIETY STRESS AND FEAR OF GOING OUT
ON MY OWN IN PUBLIC PLACES, THE WAY
THAT MY CASE HAS BEEN HANDLED HAS
MADE ME FEEL THAT THE WAY THIS CASE IS
BEING HANDLED HAS MADE MY HEALTH
SO BAD THAT IVE HAD THOUGHTS OF ENDING
MY LIFE, I WILL BE PENNING ALL THAT
MAY BE SENT TO THE PRESIDENT OF
THE ENT.

Peter Salk

16/04/2012



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

17 April 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and acknowledge receipt of your letter dated 16 April 2012, which has been placed before The Honourable Lady Smith today.

Yours faithfully

A handwritten signature in black ink, consisting of the initials 'J.W.' followed by a large, stylized flourish.

Joanna Williamson
for Registrar



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

18 April 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and enclose a sealed copy of the Order.

Yours faithfully

David Lawrie
for Registrar

Encl

EMPLOYMENT APPEAL TRIBUNAL

Appeal No UKEATPAS/0100/11/BI

B E F O R E

**THE HONOURABLE LADY SMITH
SITTING ALONE**

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996
from the Judgment of an Employment Tribunal sitting at Edinburgh and entered in the
Register on the 22nd day of July 2011

B E T W E E N :

Mr Peter Still

Appellants

- and -

Tesco Stores Ltd. & Others

Respondent

UPON THE APPELLANT being neither present nor represented

AND UPON the Appellant's application pursuant to Rule 3 (10) of the Employment Appeal
Tribunal (Amendment) Rules 2001 and 2004

IT IS ORDERED that the Appeal be dismissed for want of insistence

IT IS DIRECTED that any application to the Employment Appeal Tribunal for leave to appeal
should be made within 42 days of the date of this Order

D A T E D the 17th day of April 2012

TO: Mr Peter Still, the Appellant
Squire, Sanders & Dempsey (UK) LLP, for the Respondent

The Secretary, Central Office of Employment Tribunals, Scotland

(Case No.S/111150/10)



The following Documents were received
By claimant Peter Still

Request 3rd February 2015, Received 13 February
2015.

EMPLOYMENT APPEAL TRIBUNAL (SCOTLAND)

SIMON MENNIE, For Registrar
MR PETER STILL v Tesco Stores LTD

+ OTHERS

UKEAT PAS/0100/11/BI 13th August
2011

13th February 2015.

JUDICIAL APPOINTMENTS BOARD
FOR SCOTLAND.

LADY ANNE SMITH - July 2008
- July 2011;

THE HONOURABLE LADY ANNE SMITH
INTERVIEWED EMPLOYMENT TRIBUNAL JUDGE
SUSAN A CRAIG, FOR PART-TIME
SHERIFF, AND IN SEPTEMBER 2011,
SHERIFF SUSAN A CRAIG WAS APPOINTED
PART-TIME SHERIFF, WHICH WAS THEN
RECOMMENDATIONS IN APRIL 2013 APPOINTED
FULL-TIME FLOATING SHERIFF, AT THE
SHERIFF COURT HOUSE, LIVINGSTON,
CIVIC CENTRE AND HELDS THAT POSITION
AT PRESENT;

REF - JABS/2011/36

REF - JAB/2011/37.

REF - JAB/2011/39.

THAT POSITION WOULD NOT HAVE BEEN
GIVEN IF SHERIFF SUSAN A CRAIG ON
8th APRIL 2011 AT PRE HEARING REVIEW
IN S/111158/2010 Peter Slem v tesco Stores Ltd

+ 4 others
THAT ETJ SUSAN A CRAIG CHALLENGED Peter Slem
CLAIM TO DIRECT DAMAGES, SECTION 3(A) IS
AND UNFAIR DISMISSAL.

JUROR APPOINTMENTS BOARD FOR SCOTLAND

THAT WAS SENT TO CLAIMANT P, STILL
AND RESPONDENTS FOR TESCO STORES LTD
ON 12th APRIL 2011, A CLAIM THAT
NEITHER PETER STILL OR TESCO STORES LTD
+ 4 OTHERS

regards et/s/111150/2010, Registered Judgement,
signed by et/judge Susan A Craig, on
22nd July 2011, THIS DO NOT CONTRAVENE ETJ
SUSAN A CRAIG Pre-Hearing Review orders
12th APRIL 2011, not included in Registered
judgement - 22nd July 2011, signed by etj
Susan A Craig.

(a) Direct Disability Discrimination, DDA 95
the Act, Section 3A(5) in Relation to
the Dismissal on 13th May 2010,

(b) UNFAIR DISMISSAL CONTRARY TO Sections
94 and 98 of the Employment Rights
Act. 1996 in relation to the dismissal
on 13th May 2010,

orders signed by etj Susan A Craig
8th APRIL 2011, copied to claimant and
respondents 12th April 2011,

THE JUDICIAL AND COURTS (SCOTLAND) ACT 2008,

Chapter (5)

Removal From Office

Judges.

(35) TRIBUNAL TO CONSIDER FITNESS FOR JUDICIAL OFFICE

(1) THE FIRST MINISTER (NICOLA STURGEON)

(a) must when requested to do so by the
LORD PRESIDENT, BRIAN GILL and,

(b) may, in such other circumstances as THE
FIRST MINISTER - NICOLA STURGEON, thinks fit,
constitute a tribunal to investigate and
report on whether a person holding a judicial
office to which this section applies
is unfit to hold the office by reason of
Inability, neglect of duty or misbehaviour

(2) THE JUDICIAL OFFICES TO WHICH THIS SECTION
APPLIES ARE,

(a) THE OFFICE OF THE LORD PRESIDENT,

(b) THE OFFICE OF THE LORD JUSTICE CLERK

(c) THE OFFICE OF JUDGE OF THE COURT OF SESSION,

(d) THE OFFICE OF CHAIRMAN OF THE SCOTTISH
LAND COURT, and

(e) THE OFFICE OF TEMPORARY JUDGE,

JUDICIAL AND COURTS

(SCOTLAND) ACT 2008

CHAPTER (5) CONT

SECTION (35) REMOVAL FROM OFFICE.

JUDGES.

(3) Before, constituting a TRIBUNAL under subsection (1) (6) THE FIRST MINISTER (NICOLA STURGEON) - must consult -

(a) where the tribunal is to be constituted for the purpose of considering the LORD PRESIDENT's fitness for office, THE LORD JUSTICE CLERK,

(b) where the is to be constituted for any other purpose, THE LORD PRESIDENT, LORD BRIAN GILL,

SECTION (38) REPORT OF TRIBUNAL

(1) THE REPORT OF A TRIBUNAL constituted under section (35) must -

(a) BE IN WRITING

(b) CONTAINS REASONS FOR ITS CONCLUSION AND,

(c) BE SUBMITTED TO THE FIRST MINISTER, NICOLA STURGEON.

(2) THE FIRST MINISTER, NICOLA STURGEON, MUST LAY THE REPORT BEFORE THE SCOTTISH PARLIAMENT,

JUDICIARY AND COURTS (SCOTLAND)
ACT 2008

SECTION (40)

SHERIFFS

considerations of fitness for and removal
from SHERIFFAL OFFICE

(cont) (84) (85) (86) (87) (88) (89)

concerns currently Full-time Floating Sheriff
MS SUSAN A CRAIG

LIVINGSTON SHERIFF COURT CIVIC CENTRE

LOTHIAN AND BORDERERS, THE FIRST
MINISTER ALEX SALMOND RECOMMENDED

SHERIFF SUSAN A CRAIG ON TWO OCCASIONS
FIRST SEPTEMBER 2011 - SECOND APRIL
2013, After recommendations by From

THE JUDICIAL APPOINTMENTS BOARD
(SCOTLAND) JUDICIARY AND COURTS
(SCOTLAND) ACT 2008.

3

JUDICIARY AND COURTS (SCOTLAND) ACT 2008.

Chapter (3)

JUDICIAL APPOINTMENTS

JUDICIAL APPOINTMENT BOARD FOR SCOTLAND

(9) (10) (11) (12) (13) (14) (15) (16) (17) (18)

(26) (27)

(Part 1)

Guaranteed of continued judicial INDEPENDENCE

(a) (b) (c) (d) (e)

(i)

(ii)

(3) In this Section (the Judiciary) means
judiciary off

- (a) Supreme Court of THE UNITED KINGDOM
- (b) Any other court (est) under the Law of Scotland
- (c) Any Inferior Court

rec'vd
STS 11/5/12. - returned to
sender 11/5/12.

Peter Still
113 GLEBE ROAD
WHITBURN
WEST LOTHIAN
EH47 0AX

ET CASE/111150/2010
EAT PAS/0100/11/131

see Still v Tesco Stores Ltd
others.

I Peter Still THE CLAIMANT IN THE ABOVE MATTER
AM WRITING TO YOU TO INVESTIGATE THE WAY MY
CASE HAS BEEN DEALT WITH BOTH AT EMPLOYMENT
TRIBUNAL HEARING, AND THERE AFTER MY APPEAL
TO EAT WHICH (LADY SMITH) DISMISSED MY
CASE ON 17th APRIL 2012, I ASKED FOR A
POSTPONEMENT OF THE RULE 3(10) HEARING ON
THAT DATE WHICH WAS A HEARING THAT WAS
RE LISTED FROM THE 23 MARCH 2012 AS LADY
SMITH WAS UNAVAILABLE, FOR MY RULE 3(10)
HEARING I HAD WENT TO (CAB) FOR ADVICE
AND I PREPARED TWO BUNDLES AND FOUR
(NEW) GROUNDS OF APPEAL THE BUNDLES AND
THOSE GROUNDS HAVE BEEN INCLUDED WITH
THIS REQUEST TO INVESTIGATE THE EMPLOYMENT
JUDGE SUSAN CRAIG AND THE RIGHT HONORABLE
LADY SMITH, EMPLOYMENT JUDGE SUSAN
CRAIG, WAS A PARTNER IN EMPLOYMENT AT
LAW FIRM (SHEPHERD AND WEDDERBURN)
FROM 2001 - 2003, BEFORE BEING PARTNERED
IN EMPLOYMENT. JUDGE, THIS BEING A COMPANY
THAT (LADY SMITHS) HUSBAND WAS CHAIRMAN
OF. I'VE INCLUDED ALL CORRESPONDENCE I SENT
TO EAT. AND WHAT WAS SENT IN REPLY,
I HAD CONTACTED THE EAT OFFICE ON 16/04/2012
BY PHONE AND TOLD THEM I HAD SENT A LETTER

TO EXPLAIN THAT I COULD NOT ATTEND THE
~~THE~~ RULE 3(0) HEARING ON 17/04/2012 DUE TO
 ILL-HEALTH THIS WAS PUT BEFORE LADY SMITH
 ON THE 17th APRIL 2012, I HAD INCURRED
 THIS COST, I'DO NO LEGAL HELP AND I
 HAD TO DO ALL THIS BY MYSELF, YOU
 WILL SEE THAT I WROTE A LETTER DIRECTOR
 TO REGISTRAR WHICH WAS PUT TO (LADY
 SMITH) WHO ALONG WITH MY APPLICATION THAT
 CAT BANDS BE LODGED AT OWNERS PAGES
 WAS REFUSED, ALONG WITH MY REQUEST
 FOR A ~~HOR~~ RULE 3(0) HEARING TO BE PUT
 BEFORE ANOTHER JUDGE, YOU WILL SEE ON
 THE JUDGEMENT DISMISSING MY APPEAL
 (LADY SMITH) HAS DIRECTED THAT I HAVE
 42 DAYS TO PUT APPLICATION FOR LEAVE
 TO THE (CAT.) I HAVE COME ACROSS ON
 A NUMBER THAT (LADY SMITH HAS BEEN
 ACCUSED OF FUNDING IN FAVOUR OF HOR.
 (HUSBANDS) LEGAL FIRM (STEPHENS AND
 WOODCOCK BARN) IN THE PAST, PLEASE COULD
 YOU LET ME KNOW WHAT I HAVE TO DO
 REGARDS MY APPEAL. AS I HAVE NO LEGAL
 HELP AND BEEN GIVEN 42 DAYS TO REQUEST
 APPLICATION FOR (LEAVE) TO APPEAL WHICH
 I BELIEVE IS A RIGHT I HAVE TO A FURTHER
 HEARING AND (LADY SMITH) DECISIONS
 (26)

(3)

HAS MADE MY DISABILITY WORSE I'M ON
EMPLOYMENT SUPPORT ALLOWANCE FOR DEPRESSION
ANXIETY + STRESS AND I EXPLAINED THIS
IN LETTER SENT TO CAT ON 16/4/2012
THAT THE WAY THIS WAS BEING DEALT
WITH I HAD THOUGHT ABOUT ENDING MY
LIFE BUT THAT DOESN'T SEEM TO BOTHER
THE RIGHT HONOURABLE LADY SMITH, AS
I SAY COULD YOU (PLEASE) ADVISE ME AS
SOON AS POSSIBLE WHAT I NEED TO
DO NEXT BEFORE ITS TOO LATE.)

Peter Still

(email) PeterStill1969@hotmail.co.uk

(mobile) 07836344848

Justice Directorate
Scottish Tribunals Service Division

T: 0131-244 5764 F: 0131-244 8325
E: Sandra.wallace3@scotland.gsi.gov.uk

✓✓
recd SPOFFICE
18 MAY 2012
82



Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX


DELIVERING
A GAMES LEGACY FOR SCOTLAND

Your ref: ET case/111150/2010, EATPAS/0100/11/B1

11 May 2012

Dear Mr Still

PETER STILL V TESCO STORES LTD & OTHERS

Thank you for your letter and attachments addressed to the Legal System Division, Constitution Law and Courts Directorate, Courts and Administrative Justice Team.

Unfortunately, you have directed your letter to the wrong address. Under the current devolution settlement, policy responsibility for employment law, including employment tribunals and the Employment Appeal Tribunal, is reserved to the UK Government.

The Scottish Government cannot comment on, or intervene in, individual legal cases. This is to preserve judicial independence.

The Employment Tribunal in Scotland remains within the jurisdiction of the UK Government. If you have complaint about the conduct of an employment tribunal judge or an Employment Appeal Tribunal judge, you may wish to contact the Senior President of Tribunals. The Senior President of Tribunals is the most senior tribunal judge in the UK-wide tribunal system and his contact details are as follows:

Senior President of Tribunals
Field House
15-25 Breems Buildings
London
EC4A 1DZ

Employment tribunals and Employment Appeal Tribunals are supported by Her Majesty's Courts and Tribunals Service (HMCTS), an executive agency of the

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk

(27)



Ministry of Justice. If you wish to make a complaint about how your case has been handled by a member of staff then you should write to the manager of the office that has been dealing with your case.

If you require legal advice in how to proceed with this case you may find it useful to seek assistance from your local Citizen Advice Bureau.

I am sorry this is not more helpful.

Yours sincerely

MRS SANDRA WALLACE

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:38
To: Complaintsphso
Subject: FW: Complaints about Employment Judges in Scotland

VF-ITEM-ID: 2456935:2247079:197518:M02878259

From: simon.carr@judiciary.gsi.gov.uk
To: PeterStill1969@hotmail.co.uk
Date: Wed, 23 May 2012 10:54:52 +0100
Subject: Complaints about Employment Judges in Scotland

Dear Mr Still

The bundle of papers relating to your complaint and the letter sent to you by the Scottish Government (dated 11th May) were received in this office on 18th May. In their letter to you, the Justice Directorate of the Scottish Government advise you to write to the Senior President of Tribunals. Whilst it is correct that the Senior President is the head of the Judiciary for UK-wide tribunals, judges in the Employment Tribunal (Scotland) and the Employment Appeal Tribunal (in Scotland) are appointed by the Lord President. Therefore the investigation of complaints about their conduct is a matter for Executive Director of the Judicial Office for Scotland. Accordingly, I have forwarded a copy of your letter and bundle of papers to that office and asked them to respond to you on the points you raise. I have also e-mailed to them a copy of your covering letter in advance of them receiving the full bundle. I am returning your original papers to you.

Their address should you wish to contact them directly is:-

The Executive Director Judicial Office for Scotland
Judicial Office for Scotland
1A Parliament Square
Edinburgh
EH1 1RQ

Their e-mail address is: - or email: judicialofficeforscotland@scotcourts.gov.uk

I am afraid that the Senior President of Tribunals has no power to investigate this matter for you. Neither, I am afraid, can he provide you with legal advice on how to progress your claim.

Yours sincerely

Simon Carr

Simon Carr | Judicial Office (SPT's Office) | Room E218 Royal Courts of Justice | London WC2A 2LL |
Telephone 020 7947 6415 | www.judiciary.gov.uk

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail.

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.

This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the Ministry of Justice. E-mail monitoring / blocking software may be used, and e-mail content may be read at any time. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CCTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit www.cctmark.gov.uk



TRIBUNALS
JUDICIARY

OFFICE OF THE SENIOR PRESIDENT OF TRIBUNALS

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

23rd May 2012

Dear Mr Still

Further to my e-mail of today's date, I enclose your original bundle of papers regarding your complaint. I can confirm that a copy of this bundle has been sent to the Judicial Office for Scotland who are responsible for investigating complaints against Employment judges in Scotland.

Yours sincerely

Simon Carr
Governance Manager

Complaints about Employment Judges in Scotland

From: **peter still** (peterstill1969@hotmail.co.uk) You moved this message to its current location.

Sent: 28 May 2012 07:01:55

To: simon.carr@judiciary.gsi.gov.uk

dear mr carr , thanks for forwarding my complaint , much appreciated kind regards peter still

From: **Carr, Simon** (simon.carr@judiciary.gsi.gov.uk) You moved this message to its current location.

Sent: 23 May 2012 10:56:36

To: PeterStill1969@hotmail.co.uk

Dear Mr Still

The bundle of papers relating to your complaint and the letter sent to you by the Scottish Government (dated 11th May) were received in this office on 18th May. In their letter to you, the Justice Directorate of the Scottish Government advise you to write to the Senior President of Tribunals. Whilst it is correct that the Senior President is the head of the Judiciary for UK-wide tribunals, judges in the Employment Tribunal (Scotland) and the Employment Appeal Tribunal (in Scotland) are appointed by the Lord President. Therefore the investigation of complaints about their conduct is a matter for Executive Director of the Judicial Office for Scotland. Accordingly, I have forwarded a copy of your letter and bundle of papers to that office and asked them to respond to you on the points you raise. I have also e-mailed to them a copy of your covering letter in advance of them receiving the full bundle. I am returning your original papers to you.

Their address should you wish to contact them directly is:-

The Executive Director Judicial Office for Scotland
Judicial Office for Scotland
Parliament Square
Edinburgh
EH1 1RQ

Their e-mail address is: - or email: judicialofficeforscotland@scotcourts.gov.uk

I am afraid that the Senior President of Tribunals has no power to investigate this matter for you. Neither, I am afraid, can he provide you with legal advice on how to progress your claim.

Yours sincerely

Simon Carr

10/12/2013 1:53 PM

Simon Carr | Judicial Office (SPT's Office) | Room E218 Royal Courts of Justice | London WC2A
2LL | Telephone 020 7947 6415 | www.judiciary.gov.uk

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail.

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.

This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the Ministry of Justice. E-mail monitoring / blocking software may be used, and e-mail content may be read at any time. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

10/12/2013 1:53 PM

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:38
To: Complaintsphso
Subject: FW: Complaints about Employment Judges in Scotland

VF-ITEM-ID: 2456935:2205430:197518:M02878256

From: peterstill1969@hotmail.co.uk
To: simon.carr@judiciary.gsi.gov.uk
Subject: RE: Complaints about Employment Judges in Scotland
Date: Mon, 28 May 2012 07:01:55 +0100

dear mr carr , thanks for forwarding my complaint , much appreciated kind regards peter still

From: simon.carr@judiciary.gsi.gov.uk
To: PeterStill1969@hotmail.co.uk
Date: Wed, 23 May 2012 10:54:52 +0100
Subject: Complaints about Employment Judges in Scotland

Dear Mr Still

The bundle of papers relating to your complaint and the letter sent to you by the Scottish Government (dated 11th May) were received in this office on 18th May. In their letter to you, the Justice Directorate of the Scottish Government advise you to write to the Senior President of Tribunals. Whilst it is correct that the Senior President is the head of the Judiciary for UK-wide tribunals, judges in the Employment Tribunal (Scotland) and the Employment Appeal Tribunal (in Scotland) are appointed by the Lord President. Therefore the investigation of complaints about their conduct is a matter for Executive Director of the Judicial Office for Scotland. Accordingly, I have forwarded a copy of your letter and bundle of papers to that office and asked them to respond to you on the points you raise. I have also e-mailed to them a copy of your covering letter in advance of them receiving the full bundle. I am returning your original papers to you.

Their address should you wish to contact them directly is:-

The Executive Director Judicial Office for Scotland
Judicial Office for Scotland
1A Parliament Square
Edinburgh
EH1 1RQ

Their e-mail address is: - or email: judicialofficeforscotland@scotcourts.gov.uk

I am afraid that the Senior President of Tribunals has no power to investigate this matter for you. Neither, I am afraid, can he provide you with legal advice on how to progress your claim.

Yours sincerely

Simon Carr

Simon Carr | Judicial Office (SPT's Office) | Room E218 Royal Courts of Justice | London WC2A 2LL |
Telephone 020 7947 6415 | www.judiciary.gov.uk

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail.

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.

This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the Ministry of Justice. E-mail monitoring / blocking software may be used, and e-mail content may be read at any time. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CCTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit www.cctmark.gov.uk

Judicial Office
for Scotland



Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

Judicial Office for Scotland
Strategy & Governance
1A Parliament Square
Edinburgh
EH1 1RQ

DX 549306
LP 1, Edinburgh 10

25 May 2012

0131 240 6677
JudicialOfficeForScotland@scotcourts.gov.uk

Dear Mr Still

JUDICIAL CONDUCT COMPLAINT – LADY SMITH

I write to acknowledge receipt of your letter, which was forwarded to the Judicial Office for Scotland by Mr Simon Carr in the Office of the Senior President of Tribunals in London.

Your letter will be considered in terms of the Complaints About the Judiciary (Scotland) Rules 2011 and a formal response will be issued in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Strutt'.

Marisa Strutt
Policy Officer

www.scotland-judiciary.org.uk

The Judicial Office for Scotland supports the Lord President in his responsibilities as head of the Scottish judiciary

www.scotcourts.gov.uk

The Scottish Court Service is responsible for the administration of Scottish courts and the Office of the Public Guardian

(28)

Judicial Office for Scotland



Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

Judicial Office for Scotland
Strategy & Governance
1A Parliament Square
Edinburgh
EH1 1RQ

DX 549306
LP 1, Edinburgh 10

30 May 2012

0131 240 6677
JudicialOfficeForScotland@scotcourts.gov.uk

Dear Mr Still

JUDICIAL CONDUCT COMPLAINT – LADY SMITH

As advised by Mr Simon Carr, Judicial Office, London your conduct complaint has been referred to this office for consideration.

The Lord President has made rules governing the consideration of complaints about matters of judicial conduct, namely the Complaints about the Judiciary (Scotland) Rules 2011 (the Rules). Contrary to information you may have been given by The Tribunals Office, the Judicial Office cannot consider any complaint against Tribunal Judge Susan Craig as she was not appointed by the Lord President. It is our understanding that any complaint relating to Judge Susan Craig should be directed to Employment Tribunal, 54-56 Melville Street, Edinburgh EH3 7HF in the first instance.

The Judicial Office has assessed your complaint against Lady Smith because she was appointed by the Lord President. It appears that your complaint relates to your appeal (specifically the over-the-limit bundle) and the fact that your subsequent request for postponement of the appeal hearing was refused by Lady Smith. You also allege that Lady Smith may be bias towards the solicitor firm Shepherd & Wedderburn.

It is the view of the Judicial Office that your correspondence does not concern matters relating to judicial conduct, but is concerned primarily with a judicial decision and judicial case management (this includes matters such as allegations of bias). Rule 9(3) of the 2011 Rules requires the Judicial Office to dismiss a complaint if it falls into the categories set out in Rule 9(4):

- (a) it does not contain sufficient information to enable a proper understanding of the allegation to be achieved;

www.scotland-judiciary.org.uk

The Judicial Office for Scotland supports the Lord President in his responsibilities as head of the Scottish judiciary

www.scotcourts.gov.uk

The Scottish Court Service is responsible for the administration of Scottish courts and the Office of the Public Guardian

BO

- (b) it is about a judicial decision or judicial case management or judicial management of court programming;
- (c) it raises a matter which has already been dealt with (whether under these Rules or otherwise), and does not present any material new evidence;
- (d) it raises a matter which falls within the functions of the Judicial Complaints Reviewer.

Your complaint is accordingly dismissed in terms of Rule 9(4)(b).

In your letter you also ask for advice or help in what to do next. The Judicial Office is unable to provide legal advice and can only suggest that you approach the Citizens Advice Bureau.

If you consider that the investigation into your complaint has not been carried out in accordance with the 2011 Rules you may write to:

Ms Moi Ali
Judicial Complaints Reviewer
The Stamp Office
10-14 Waterloo Place
Edinburgh
EH1 3EH

It should be noted, however, that the Judicial Complaints Reviewer has no powers to consider the merits of any complaint or the disposal of a complaint.

Yours sincerely



Marisa Strutt
Policy Officer

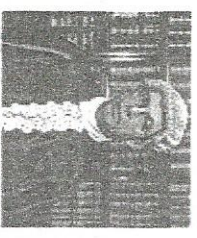
Share 0 More Next Blog»

Create Blog Sign In

Scottish Law Reporter

Reporting on news & issues of Justice, Law & Politics, from Scotland.

Friday, September 03, 2010 Allegations Court of Session judge 'buried evidence' at £200k+ employment tribunal as Lord President puts off complaints investigation into colleague



Lord President Lord Hamilton in the dock over regulation of judiciary's conduct. **SERIOUS DOUBTS** over the ability of Scotland's top judge to carry out investigations into complaints made against fellow judges & sheriffs have surfaced after Scotland's Lord President, Lord Hamilton appeared to shy away from carrying out an investigation into serious allegations made by a former lecturer at St Andrews University against currently serving Court of Session Judge Lady Smith & the controversial ex-Sheriff Mark Sischy, (now deceased) who were both involved in an Employment Tribunal case.



Court of Session Outer House Judge Lady Smith faces allegations over 'buried evidence' at Employment Tribunal. Among the allegations levelled at Lady Smith on the website of Dr Declan Quigley, former lecturer of Anthropology who resigned from St Andrews in 2002 and took the University to an Employment Tribunal, are claims that : **"Lady Anne Smith, Scottish Supreme Court judge, ensured that evidence buried by the Scottish Employment Tribunals to protect the University of St Andrews remained covered up and that a judgment containing a tissue of misrepresentations went unchallenged."**

The late Mark Sischy who resigned from his position as a Sheriff in disgrace after being caught drink-driving, and amazingly returned to the Scottish judicial system as a **£74,000-a-year chairman of employment tribunals**, ended up presiding over the former University lecturer's case against St Andrews University, is, according to Dr Quigley's website alleged to "[have] perverted the course of justice. He signed a

Contact Scottish Law Reporter
Send news & other items for publication to :
scottishlawreporter@gmail.com

Recent News

- ▶ 2013 (43)
- ▶ 2012 (176)
- ▶ 2011 (87)
- ▼ 2010 (58)
 - ▶ December (5)
 - ▶ November (8)
 - ▶ October (9)
 - ▼ September (6)

[Glasgow City Council to evict Grandmother from hom...](#)

[Ex-Law Society Chief, now Glasgow University Legal...](#)

[Allegations Court of Session judge 'buried evidenc...](#)



judgment containing a tissue of misrepresentations and buried large amounts of evidence to protect the University of St Andrews. Mr Sischy's return to the judicial system in such a prominent role after his drink driving conviction provoked accusations of cronyism, and was questioned at the time by the SNP's Tricia Marwick MSP. Tricia Marwick said : **"The manner in which Mr Sischy was appointed raises concerns of cronyism within the Scottish judicial system. Mr Sischy has been promoted to a full-time chairman while still serving a ban for drink-driving. When you consider that some of the cases brought in front of employment tribunals may involve drink-related incidents during hearings for unfair dismissals, it seems ludicrous to appoint someone with a criminal conviction in this area."**

Ms Marwick added : **"The posts for part-time employment tribunal chairmen are not advertised while information regarding full-time positions are only circulated to part-time chairmen. This points to cronyism with a strong element of using a 'jobs for the boys' system. The SNP are calling for the procedures of appointments to be more open, transparent and accountable. All positions within the Scottish judicial system should operate best practice where all jobs are advertised and open to the public. These appointments of secrecy are sending out all the wrong messages about employment tribunals."**

Read all about it : Skorupski's Law – University of St Andrews blew nearly £1.4 million on legal fees. Top judge & Tribunal Chief made 'questionable decisions'
(click image below to view Dr Quigley's website)

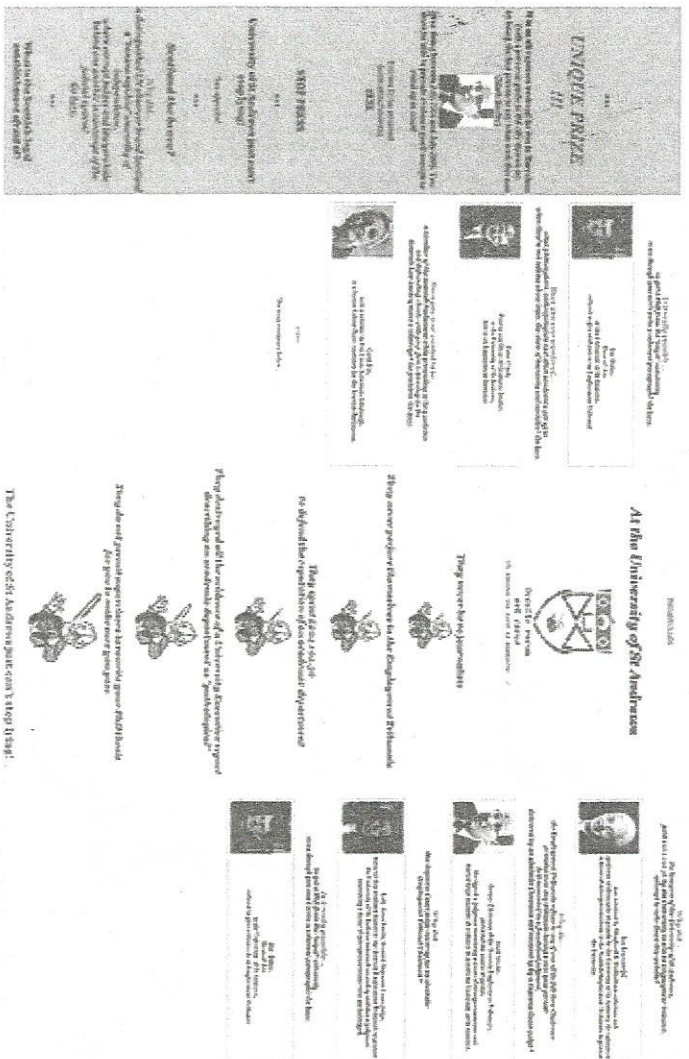
- [Scottish Health Secretary names 'Minimum Alcohol P...](#)
- [Media coverage of of Law Society's role in £300K C...](#)
- [Children's Panel recruitment campaign launched by ...](#)

- ▶ August (1)
- ▶ July (1)
- ▶ April (3)
- ▶ March (9)
- ▶ February (11)

- ▶ January (5)
- ▶ 2009 (237)
- ▶ 2008 (222)
- ▶ 2007 (323)
- ▶ 2006 (71)
- ▶ 2002 (3)

Links

- [A Diary of Injustice in Scotland](#)
- [Consumer Action Group](#)
- [Consumer Focus Scotland](#)
- [Crown Office & Procurator Fiscal Service](#)
- [Faculty of Advocates](#)



Among others identified by Dr Quigley's website are Ian Truscott QC, who represented the University in the Employment Tribunal, and two lecturers at St Andrews University, one alleged to have lied to an Employment Tribunal while the other apparently refused to give evidence.

A Freedom of Information request reported in the Times Higher Education supplement **revealed the staggering costs of the hearing**, which saw the University of St Andrews spend at least **£204,000** to defend the case, far more than Dr Quigley expected to win.

In recent weeks Dr Quigley has been attempting to have his complaints against Lady Smith and the actions of the now deceased Mr Sischy investigated by Scotland's Lord President, Lord Hamilton, who is responsible for selection and the conduct of the judiciary. However, the Lord President has claimed in correspondence seen by our reporters that he is not responsible for Mr Sischy's actions and alarmingly, the responses from the Lord President's office to Dr Quigley's requests for an investigation apparently ignore all references to complaints made against Lady Smith.

Speaking today to journalists for Scottish Law Reporter, Dr Quigley said : **"Lord Hamilton is clearly protecting Lady Smith (so corruptly hid from the parties to a employment appeal tribunal (and their barristers) that the Chairman of the**

[Financial Services Authority](#)

[Freedom Of Information Scotland Blog](#)

[Govan Law Centre](#)

[Herald & Sunday Herald](#)

[Institute of Chartered Accountants of Scotland](#)

[Journal Online - Law Society of Scotland](#)

[Judiciary of Scotland](#)

[Law Care](#)

[Law Society of Scotland](#)

[Lawfullawyers](#)

[LawyerTV](#)

[Legal Defence Union](#)

[LexisNexis Butterworths - Scotland](#)

[Lockerbie Case Commentary](#)

[Miscarriages of Justice Organisation \(Scotland\)](#)

[Public Defence Solicitors' Office](#)

[Registers of Scotland](#)

[Scottish Court Service](#)

[Scottish Criminal Cases Review Commission](#)

[Scottish Government](#)

[Scottish Information Commissioner](#)

[Scottish Law Agents Society](#)

[Scottish Law Online](#)

original tribunal had been an alcoholic and had been off work for months immediately prior to signing the judgment."

Dr Quigley continued : "I am examining ways of making Lady Smith legally accountable for her actions and the Lord President and the President of the Employment Tribunals (Mrs Shona Simon) will have to justify why there has been no examination of the circumstances surrounding the case when there have been repeated requests to do so. Obviously, if the claims on my website were not true, I would have been hauled up in front of Lady Smith by now for contempt of court or defamation. In fact, Lady Smith was in contempt of her own court - and of the very basis of the Employment Appeals Tribunals - and she needs to answer for that."

A legal insider this afternoon said it was fundamentally important that any complaint made against a member of the judiciary be thoroughly investigated and go through a formal process which gave a fair hearing to both sides.

However, despite serious allegations being made against a currently serving judge and an ex-sheriff no such investigation has taken place so far by Lord Hamilton, who appears determined to avoid an inquiry into the former University of St Andrews lecturer's claims, even though there appears ample allegations in the media Mr Sischy gained his Tribunal position through the well known 'jobs for the boys' culture in Scotland's legal establishment, as one report from the Herald newspaper at the time reveals :

Disgraced sheriff's £74,000K comeback Top post despite drink-driving

Iain Wilson Chief Reporter

9 Aug 1999

EXCLUSIVE. A SHERIFF who resigned in disgrace after being caught drink-driving is back in the Scottish judicial system as a £74,000-a-year chairman of employment tribunals.

Mr Mark Sischy's return would not be tolerated under the appointments system which operates in England and Wales. He would not even have been granted an interview because of his criminal conviction. His job was not advertised. The £74,464 salary is met by taxpayers.

Mr Sischy's appointment, via a part-time post in the first instance, will further fuel charges of cronism and jobs for the boys under the Scottish system, which appears to be less open and transparent than south of the Border. All part-time

Scottish Legal Action Group

Scottish Legal Aid Board

Scottish Legal Complaints Commission

Scottish Legal Services Ombudsman

Scottish Parliament

Scottish Solicitors' Discipline Tribunal

Society of Solicitor-Advocates

The Firm - Scotland's independent law

journal

The Scotsman

The Society of Writers to Her

Majesty's Signet

The Solicitors Journal

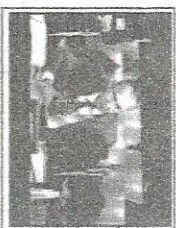
UK Column

UK Dept BERR (formerly DTI)

UnjustIS

Which ?

Lawyer TV



Peter Stein v tesco Stores Ltd
+ others

Leave to Appeal, ET/111150/2010.

UKeat/0100/11/B
against registered judgement 22 July 2011.

UK EAT President
21st May 2012 - 26 June 2012.

President Brian Langstaff.

9th August 2012 - 22nd October 2012

13th March 2014 -

All orders refusing Leave to Appeal.
made By EAT President Brian Langstaff,
(AU in Scotland, - and in Chambers)

ET 111150/2010
UKCAT/PAS/0100/11/131



PETER STILL
113 GLEBE ROAD
WHITBURN
WEST LOTHIAN
EH47 0AX.

PETER STILL V TESCO STORES LTD
+ OTHERS.

JUDGMENT 22 JULY 2011.

21ST MAY 2012.

REQUEST FOR LEAVE TO APPEAL, AFTER RULE 3(10) HEARINGS ON 17TH APRIL 2012 WAS DISMISSED BY LADY SMITH, REQUEST ALSO THAT MY APPEAL BE DEALT WITH BY ANOTHER EMPLOYMENT APPEAL JUDGE, REASONS THAT LADY SMITH SHOULD PLEASE MY APPEAL TO BE DEALT WITH BY ANOTHER EMPLOYMENT APPEAL JUDGE.

① DISMISSING MY RULE 3 (10) HEARINGS AND APPEAL AFTER REQUEST FOR POSTPONEMENT DUE TO CLAIMANT ILL - HEAVY CONTACTED EAT OFFICE ON 16TH ~~MAY~~ ^{APRIL 2012} PHONE AND SENT LETTER WHICH WAS PUT TO LADY SMITH ON 17TH APRIL 2012. ALSO REQUEST IN WRITING ON 3RD APRIL 2012 AND 5TH APRIL 2012. NO REASON GIVEN FOR REFUSING MY REQUEST I AM NOT LEGALLY REP, AND WAS GIVEN 10 DAYS TO PREPARE TWO NEW BUNDLES AFTER REQUEST FOR BUNDLE THAT TOOK 6 WEEKS TO PREPARE TO BE LISTED WAS AT OVER 100 PAGES, WAS ALSO REFUSED

② RULE 3 (10) HEARINGS WITH 4 NEW PROVISIONS OF APPEAL LADY SMITH STATED THAT RULE 3 (10) HEARINGS WAS FOR CLAIMANT TO FILE

(2 cont)

ORAL EXPLANATION - FOR NOTICE OF APPEAL WHICH WAS REFUSED AS NO REASONABLE GROUNDS BY LADY SMITH A RULE 3 (10) HEARING IS A NEW HEARING WHICH CLAIMANT CAN PUT FRESH GROUNDS OF APPEAL WHICH WAS SOMEHOW THAT LADY SMITH ALONG WITH ALL OTHER REQUEST MADE BY CLAIMANT REFUSED WITH AGAIN NO REASONS GIVEN

(3) NOTICE OF APPEAL AGAIN WHICH LADY SMITH OPINION NO REASONABLE GROUNDS FOR APPEAL DATED 4th OCTOBER 2011. THAT CLAIMANT HAD NOT PRESENTED A CLAIM OF DIRECT DISABILITY DISCRIMINATION STATING THAT THIS WAS ONLY CLAIM OF DISABILITY DISCRIMINATION CLAIMANT COULD BECAUSE THERE IS NO CLAIM OR ANY SORT OF CHARACTER ORLY OR IN WRITING THAT CLAIMANT HAD PUT FORWARD A CLAIM OR PRESENTED THIS SORT OF DISCRIMINATION

(4) CLAIMANT HAS PUT A WRITTEN COMPLAINT AGAINST LADY SMITH AND EMPLOYMENT JUDGE SUSAN CRATIS FOR THE WAY THAT MY EMPLOYMENT TRIBUNAL CLAIM WAS HANDLED AND ALSO MY APPEAL TO EAT IN RELATION TO THAT JUDGEMENT, I HAVE MADE A COMPLAINT TO SENIOR PRESIDENT OF TRIBUNALS IN RELATION TO THIS, HAVING MADE SERIOUS ALLEGATIONS AGAINST EMPLOYMENT JUDGE SUSAN CRATIS IN RELATION TO MISSED

(3)

(4) cont.

SUBMISSIONS IN WRITTEN JUDGEMENT DATED 22 July 2011 WHICH WERE MADE BY ADVOCATE FOR TESCO STORES LTD ON 16th June 2011 MR K M'QUIRE THESE WERE NOT INCORPORATED IN EMPLOYMENT JUDGE SUSAN CRAIG'S WRITTEN REASONS WHICH WERE ISSUED BY JUDGE CRAIG ON 22nd July 2011.

(5) EMPLOYMENT JUDGE SUSAN CRAIG WAS A PARTNER IN LAW FIRM (SHEPHERD AND WEDDERBURN) FROM 2001 TO 2003 BEFORE BEING APPOINTED TO EMPLOYMENT TRIBUNAL JUDGE IN EDINBURGH IN 2003. THIS LAW FIRM IS THE LAW FIRM THAT LADY SMITH'S HUSBAND WAS A SENIOR PARTNER.

(6) NOT BEING LEGITIMATELY REP AND THE WAY LADY SMITH HAS DEALT WITH MY CLAIM TO THE EAT. AND HAVING A RIGHT TO A FAIR HEARING WHICH I DON'T THINK I WILL GET IF LADY SMITH CONTINUES TO DEAL WITH MY APPEAL TO EAT. I WOULD LIKE THIS TO BE DEALT WITH BY ONE OF THE NUMEROUS OTHER EMPLOYMENT JUDGES THAT DEAL WITH APPEALS

THE FOLLOWING A GROUPS OF APPEALS AND ARE AS FOLLOWS

NOTICE OF APPEAL GROUNDS OF APPEAL.

ET 111150/2010, JUDGMENT 22 JULY 2011
SIGNED BY EMPLOYMENT JUDGE SUSAN CRAIG

UKEAT/PA5/0100/11/B1

PETOR STILL V TESCO STORES LTD + OTHERS
NOTICE OF APPEAL AGAINST JUDGMENT DATED
22 JULY 2011 SIGNED BY EMPLOYMENT JUDGE
SUSAN CRAIG

CLAIM OF DIRECT DISABILITY DISCRIMINATION
UNFAIR DISMISSAL

GROUND OF APPEAL

① SUBMISSION MADE BY ADVOCATE FOR
TESCO STORES LTD MR K McQUIRE ON
16TH JUNE 2011, IN RELATION TO CLAIM OF
DIRECT DISABILITY DISCRIMINATION, DOA 95.
(THE ACT) SECTION 3 A(5) WHICH WAS
OPENING SUBMISSION, THIS WAS ACCEPTED
BY TRIBUNAL IN ORAL JUDGMENT GIVEN
ON 17TH JUNE 2011, THIS SUBMISSION
WAS NOT INCLUDED IN WRITTEN REASONS
OF JUDGMENT SIGNED BY EMPLOYMENT JUDGE
SUSAN CRAIG ON 22 JULY 2011.

② CLAIM OF UNFAIR DISMISSAL AND JUDGMENT
WRITTEN REASONS AGAIN SIGNED BY EMPLOYMENT
JUDGE SUSAN CRAIG DATED 22 JULY 2011
WAS A JUDGMENT THAT THERE WAS NO
EVIDENCE ORAL OR FACTUAL, TO MAKE SUCH
A JUDGMENT AND WAS MADE TO CONSIDER.

Grounds of Appeal (cont) ②

② cont

By employment judge Susan Craig to
order for failing to include opening
submissions that was made by Mr K.
McQuire which was not included in
written judgment 22 July 2011

This judgment was made to cover up
employment judge Susan Craig's failure
to apply her duty as a employment judge
and a failure to apply the law instead
employment judge Susan Craig in attempt
to bury evidence to cover her ~~mistake~~
mistakes - in relation to direct disability
discrimination DOA 95. A claim that Mr
K McQuire had in his opening submissions
which was not included in written reason
along with authority which he produced
also on 16th June 2011. That the claimant's
claim of direct disability discrimination
in relation to DOA 95. Section 3A(5) was
a claim that could not succeed was
bound to fail, ill-conceived, misconceived
and that tribunal had no jurisdiction
to hear or rule on such a claim,
never having any chance of success before
hearing began.

③ Direct Disability Discrimination (DOA 95) The Act
Jurisdiction - 2002 (Section 3A(5))

Claimant having not pleaded claim of
Direct Disability Discrimination contrary

GROUND OF APPEAL (CONT) ③

③ CONT)

TO DISABILITY DISCRIMINATION ACT 1995 NO CLAIM OF DIRECT DISCRIMINATION OR ANY OR. IN WRITINGS WAS PUT FORWARD BY CLAIMANT. IN RELATION TO ET CLAIM 111150/2010 9th AUGUST, 2010.

EMPLOYMENT TRIBUNALS RULES UNDER SECTION 54 1976 ACT, THE COMPLAINANT IS ENTITLED TO COMPLAIN TO THE TRIBUNAL THAT A PERSON OR PERSONS HAS COMMITTED AN UNLAWFUL ACT OF DISCRIMINATION, BUT IT IS THE ACT OF WHICH COMPLAINT IS MADE AND NO OTHER THAT THE TRIBUNAL MAY CONSIDER AND (RULE) UPON.

REFER TO JUDGEMENT OF (MUMFORD LJ AT PARA. 35. CHAPMAN V SIMON) IS COURT OF APPEAL AUTHORITY FOR THE PROPOSITION THAT THE JURISDICTION OF THE EMPLOYMENT TRIBUNAL IS LIMITED TO COMPLAINTS MADE TO IT UNDER SECTION 54 OF THE 1976 ACT.

THE TRIBUNAL SHOULD CONFINE ITSELF TO THE ACTS OF DISCRIMINATION SPECIFIED IN THE ORIGINATING APPLICATION, UNLESS IT ALLOWS THE ORIGINATING APPLICATION TO BE AMENDED.

④ EMPLOYMENT TRIBUNAL FAILING IN ITS DUTY TO MAKE FINDINGS AND TO DEMONSTRATE WHY IT DID NOT ACCEPT VARIOUS ACCOUNTS.
(21/05/2012) signed Peter Stul (claimant)

Appeal No UKEATPAS/0100/11/BI

NOTE

by

The Honourable Mr Justice Langstaff (President)

in

Application for Leave to Appeal

in causa

Mr Peter Still

Appellant

-v-

Tesco Stores Ltd. & Others

Respondent

Date: 25 June 2012

Employment Appeal Tribunal

Appeal No UKEATPAS/0100/11/BI

Appeal No UKEATPAS/0100/11/BI

NOTE

by
The Honourable Mr Justice Langstaff (President)

in

Application for Leave to Appeal

in causa

Mr Peter Still

Appellant

-v-

Tesco Stores Ltd. & Others

Respondent

The Honourable Mr Justice Langstaff (President)

Employment Appeal Tribunal

EDINBURGH

DATE: 25 June 2012

EMPLOYMENT APPEAL TRIBUNAL

Appeal No UKEATPAS/0100/11/BI

BEFORE

**THE HONOURABLE MR JUSTICE LANGSTAFF (PRESIDENT)
(IN CHAMBERS)**

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the Judgment of an Employment Tribunal sitting at Edinburgh and entered in the Register on the 22nd day of July 2011

BETWEEN:

Mr Peter Still

Appellant

- and -

Tesco Stores Ltd. & Others

Respondents

UPON THE APPLICATION of the Appellant by letter dated the 21st day of May 2012 for Leave to Appeal to the Court of Session against the Judgment of the Employment Appeal Tribunal given on the 17th day of April 2012

IT IS ORDERED that the Appellant's application for Leave to Appeal to the Court of Session be refused for the reasons attached hereto

D A T E D the 25th day of June 2012

TO: Mr Peter Still, the Appellant
Squire, Sanders & Dempsey (UK) LLP, for the Respondent

The Secretary, Central Office of Employment Tribunals, Scotland

(Case No.S/111150/10)

Brian J Langstaff



Application for Leave to Appeal

1. The papers have been passed to me by Lady Smith, no doubt in the light of the objections of the Applicant to her continuing to deal with this case.
2. The Appellant seeks to appeal against the decision of the employment tribunal (Judge Craig, K. Cowan, J. Terry) which dismissed claims of unfair dismissal and disability discrimination against the Respondent. The Tribunal found that he was dismissed by reason of capability (he suffered from Spondylosis) in accordance with a fair application of the Respondent's sickness and absence procedure. Since that procedure applied to others who were not suffering from the same disability but were absent for similar periods, and the dismissing officer did not know that the Claimant was disabled, it rejected his complaints of discrimination.
3. The Notice of Appeal is not easy to follow, but raises inequality of representation (the Appellant was in person; the Respondent was represented by an advocate) and material misapprehension of fact or evidence, though not specific.
4. The EAT (Lady Smith) dismissed the Appeal on paper under Rule 3 (7) of the EAT Rules.
5. The Appellant asked for an oral hearing to renew his application on 14th December 2011. He said he would be available for any date.
6. The hearing was listed for 23rd March 2012, and re-listed due to the unavailability of Lady Smith to hear it to 17th April 2012. Since the bundle which the applicant proposed exceeded 100 pages, this was in breach of the EAT Practice Direction 2008, paragraph 6.3. Permission to contain more pages was refused: a reduced bundle was to be lodged by 5th April.
7. On 5th April 2012, the Appellant wrote to ask if his Rule 3 (10) Hearing could be re-listed in front of another judge, since Lady Smith had determined his applications for appeal and additional documentation against him. That application was refused on 11th April 2012 as not being supported by any relevant reasons.
8. On 16th April 2012, the Appellant phoned the EAT to say he was unwell and he would not be attending on the 17th. He wrote to seek an adjournment. There was no medical evidence. He claimed he had not slept for three days since receiving the letter refusing a hearing before another judge. In his letter (dated 16th, received 17th) he said he was not available to attend due to ill health, being disability due to depression, anxiety and stress and fear of going out on his own in public places. He complained that the way the case was being handled had made him really ill.
9. He did not attend the hearing before Lady Smith, and his appeal was dismissed for want of insistence.
10. Although I can detect no reasons given specifically for rejecting the adjournment, implicitly the decision must have been taken to proceed. Implicitly, the

application to postpone was refused. This is the exercise of a discretion in the management of an appeal which a Tribunal is entitled to exercise.

11. It is not clear to me what error of law the Claimant says was made in refusing the postponement and determining that the appeal be dismissed. In a letter of 21st May 2012 seeking leave to appeal the decision of 17th April 2012 the Appellant appears to be asserting the appearance of bias in Lady Smith. I see no evidence of this from the mere fact that as the Judge most frequently sitting in Edinburgh in the Employment Appeal Tribunal she naturally would deal with applications to appeal, decisions to extend the size of bundles beyond one hundred, and Rule 3 (10) hearings together with associated applications for postponements. Permission to appeal on those grounds (if I have correctly identified them) is accordingly refused.

The Honourable Mr Justice Langstaff
President Employment Appeal Tribunal



52 Melville Street
Edinburgh EH3 7HF
Telephone : 0131 225 3963
Facsimile : 0131 220 6694

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

19 July 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and acknowledge receipt of your e-mail of 16 July 2012 10:37. I can confirm that your Review Application will be sent to The Honourable Mr Justice Langstaff (President) for direction.

In relation to the decision of 17 April 2012 to dismiss the appeal for want of insistence, The Honourable Lady Smith states as follows:

Lady Smith reminds the claimant of the following: that a rule 3(10) hearing was fixed to afford him an opportunity to make oral representations in support of his notice of appeal, for 17 April 2012, he having – as he was entitled to do - asked for an oral hearing and having indicated that he would be available on any date. Whilst, on 16 April 2012 he telephoned the EAT office (and wrote a letter) saying that he was unwell, he did not provide any medical certificate. He sought an adjournment of the hearing. That adjournment was not granted. It was not appropriate to do so in the absence of a medical certificate, on 'soul and conscience' certifying that he was not fit to attend the hearing. The hearing required to proceed, there being no proper basis for its adjournment. The claimant did not, however, appear at the hearing nor did any representative appear on his behalf. No submissions were, accordingly, made in support of his notice of appeal and it was determined, for the reasons previously explained, that there were no reasonable grounds contained in it.



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Yours faithfully

Joanna Williamson
for Registrar

cc Squire, Sanders & Dempsey (UK) LLP for the Respondent

CLAIMANT ON RECEIVING WRITTEN REASONS DATED 22 JULY 2011, SIGNED BY EMPLOYMENT JUDGE SUSAN CRAIG, CLAIMANT PUT FORWARD NOTICE OF APPEAL, TO (EAT SCOTLAND) WHICH WAS REFERRED TO THE HONOURABLE LADY SMITH IN ACCORDANCE WITH RULE 3(7) OF EAT RULES (AMENDED) 2004, DATED 4th OCTOBER 2011, NO REASONABLE GROUNDS FOR BRINGING THE APPEAL, FOLLOWED LADY SMITH'S REASONS WHY THIS WAS SO.

UKEATPAS/0100/11/BI

PETER STILL V TESCO STORES LTD
+ OTHERS.

CLAIMANT'S APPEAL AGAINST EMPLOYMENT TRIBUNAL JUDGEMENT, REGISTERED 22 JULY 2011, SIGNED ETS SUSAN CRAIG, HEARING OVER FOUR DAYS, 14th - 15th - 16th - 17th JUNE 2011, ORAL REASONS GIVEN ON 17th JUNE 2011, DISMISSING ALL CLAIMANTS CLAIMS, DDA 95, UNFAIR DISMISSAL AND ALSO CLAIMS AGAINST FOUR OTHER NAMED RESPONDENTS, UNFAIR DECISION BY TRIBUNAL

CLAIMANT'S APPEAL TO (EAT) WAS DISMISSED ON 17th APRIL 2012, AT EMPLOYMENT TRIBUNAL (SCOTLAND) LADY SMITH. DISMISSAL OF CLAIMANT'S APPEAL FOR WANT OF INSISTENCE, LADY SMITH DIRECTED THAT CLAIMANT APPLICATION FOR LEAVE

TO APPEAL, APPLICATION MUST BE MADE WITHIN 42 DAYS, AND SENT TO EMPLOYMENT APPEAL TRIBUNAL (UK), CLAIMANT APPLICATION FOR LEAVE TO APPEAL, SENT 21ST MAY 2012, TO EAT EDINBURGH, THIS APPLICATION WAS PASSED ON BY LADY SMITH TO THE PRESIDENT OF EAT THE HONOURABLE JUSTICE LANGSTAFF, WHO REFUSED CLAIMANTS APPLICATION FOR LEAVE TO APPEAL, ORDER REGISTERED 26TH JUNE 2012, FOLLOWED BY REASONS WHY CLAIMANTS APPLICATION FOR LEAVE TO APPEAL, COURT OF SESSION, AFTER RECEIVING THIS ORDER AND REASONS GIVEN BY HIS HONOUR, JUSTICE LANGSTAFF I AM WRITING HOPING THAT THE HONOURABLE (PRESIDENT) EAT JUSTICE LANGSTAFF WOULD REVIEW MY APPLICATION FOR LEAVE TO APPEAL AND GRANT PERMISSION ON THE GROUNDS OFF APPEAL, IN THE ET JUDGEMENT REGISTERED 22 JULY 2011, ETS SUSAN CRAIG.

YOUR HONOUR THESE GROUNDS WERE PUT TO (EAT AND LADY SMITH WAS AWARE OF THESE BEFORE DISMISSING MY APPEAL, AND EDWARDS MY CLAIM TO (EAT) 17TH APRIL 2012, FOR WANT OF INSISTENCE, AS IT SEEMS IN YOUR HONOURS REASONS FOR REFUSING MY APPLICATION FOR LEAVE TO APPEAL, THAT LADY SMITHS HANDLING OF MY APPEAL, AND WHY SHE GUIDED THE WAY IT DID, THIS AS YOU SAID WAS LADY SMITHS EXERCISE, DISCRETION AND REASONS CONCERNING DECISIONS MADE BY LADY SMITHS MANAGEMENT

OF CLAIMANTS APPEAL, ARE SOMETHINGS THAT DOES NOT CONCERN MY GROUNDS FOR PERMISSION TO APPEAL TO COURT OF SESSION,

GROUNDS OF APPEAL

① OPENING SUBMISSION MADE BY ADVOCATE FOR RESPONDENTS, MR K M'QUIRE, NOT INCLUDED IN WRITTEN REASONS REGISTERED 22/07/2011 signed by employment Judge Susan Caig that submission was that employment tribunal had no jurisdiction to rule on claimants claim of DIRECT DISABILITY DISCRIMINATION contrary to the DDA 95 (the Act) S 3 A(5) that the claimants claim as formulated could never succeed, and that claim was bound to fail, following House of Lords Judgement LONDON BOROUGH LEWISHAM - V. MALCOLM (2008)

MR M'QUIRE PRODUCED PHOTO-COPY OF HOUSE OF LORDS JUDGEMENT AND READ OUT PART OF THAT JUDGEMENT, FOLLOWED BY IF TRIBUNAL DOESN'T ACCEPT THIS SUBMISSION, THEN SUBMISSION THAT FOLLOWED WERE ONES IN WRITTEN JUDGEMENT. REASONS GIVEN, WERE TO LEAVE OUT MR M'QUIRES OPENING SUBMISSION, WHICH WAS ACCEPTED BY TRIBUNAL AT ORAL JUDGEMENT MADE ON 17th JUNE 2011 WHICH WAS AUDIO-TAPE RECORDED, THIS INCLUDED MR M'QUIRES OPENING SUBMISSION, AND THAT DDA CLAIM COULD NOT BE RULED ON AS TRIBUNAL HAD NO JURISDICTION

ground 2

JUDGMENT MADE ON CLAIM OF UNFAIR DISMISSAL, THAT BEING A FAIR DECISION AFTER RESPONDENTS FOLLOWED COMPANY POLICYS + PROCEDURES AND THAT CLAIMANT DID NOT CHALLENGE THE PROCEDURE AT ANY TIME LEADING UP TO HIS DISMISSAL ON 13th MAY 2010, OR THE TWO STAGES OF APPEAL WITHIN COMPANY INTERNAL POLICYS + PROCEDURES. A JUDGMENT THAT HAD NOT ONE SINGLE DOCUMENT OR EVIDENCE TO PUT A JUDGMENT THATS TOTALY FLAWED, PERVERTED, AND DO SO MUCH - SUSAN CRAIG COULD BALANCE THE JUDGMENT AS TO DO THIS AND BURY MR K McGUIRES OPENING SUBMISSION IN REGISTERED JUDGMENT 22 JULY 2011.

ground 3

JURISDICTIONAL POINTS - 2002 ACT pre-action requirements

DISABILITY, DISCRIMINATION - DIRECT
DDA 95 (the act) S3 A(5)

THIS GROUND WAS INCLUDED IN FIRST NOTICE OF APPEAL TO (ED) ARE LADYSMITH STATED REASON WHY THAT I COULD ONLY BE PLEADING THAT OF DIRECT DISABILITY DISCRIMINATION, AND THAT

THERE WAS NO HINT OF A CLAIM OF INDIRECT -
DISABILITY DISCRIMINATION, DIRECT DISCRIMINATION
WAS THE ONLY DISABILITY DISCRIMINATION HE COULD
HAVE BEEN ADVANCING, IVE INCLUDED THIS GROUND
IN FOR DETAIL, ALONG WITH GROUND ONE, EAT
AUTHORITY, AND HOUSE OF LORDS AUTHORITY
REGARDS GROUND ONE,

Ground 4

TRIBUNAL FAILING IN ITS DUTY, TO MAKE FINDINGS
AND TO DEMONSTRATE WHY IT DID NOT ACCEPT
VARIOUS ACCOUNTS,

RULE 3(10) HEARING CLAIMANT PUT FORWARD
THIRTY SIX PAGE, EXPLANATION, REASONS,
FOR APPEAL, WHAT THESE GROUNDS OF APPEAL
WERE FOUR GROUNDS OF APPEAL, AND TWO
EAT BUNDLES OF DOCUMENTS THAT WERE
TRIBUNAL BUNDLE HEARING, THIS TO BE CRUCIAL
EVIDENCE TO PROVE MY CLAIMS OF APPEAL
95 PAGES CONTAINED ET1 - CORRESPONDENCE -
DLS6 QUESTIONNAIRE, CASE MANAGEMENT ORDERS
AT THAT TIME THAT 95 PAGES DIDNT CONTAIN
FURTHER AND BETTER PARTICULARS WHICH
WAS FORA PERS HANDWRITTEN TO ALL MY CLAIMS
OF DDA 95 DISCRIMINATION, UNFAIR DISMISSAL
AND WHEN I MADE FURTHER + BETTER
PARTICULARS TO BE LISTED IN EAT BUNDLE
THAT WAS APPLICATED FOR BUNDLE TO BE LISTED
AT OVER 100 PAGES, THAT APPLICATION WAS REFUSED

BY LADY SMITH NO REASON GIVEN, YOUR HONOUR'S REASONS AND EXPLANATION REGARDS TRIBUNAL PRACTICE AND PROCEDURE AND MANAGEMENT OF CLAIM WAS A DECISION LADY SMITH COULD DO AND CLAIMANT APPARENT BIAS BY LADY SMITH, YOUR HONOUR. I HAVE SEARCHED EAT JUDGMENTS AND LOOKED THROUGH THOUSANDS AND HOW MY APPEAL WAS DEALT WITH THERE NO OTHER EAT JUDGMENT IN DATABASE WHERE AN APPEAL TO EAT HAS ENDED LIKE MY APPEAL, I NOW HAVE TO CONTINUE TO HAVE MY CLAIM NOTICE OF APPEAL TO COURT OF SESSION TO HAVE TO ASK FOR PERMISSION TO DO THIS, THERE MUST BE A SOME POINT THIS WILL BE GIVEN, TO HAVE ANY KIND OF ATTEMPT TO QUESTION DECISIONS MADE BY LADY SMITH IS A FEAT THAT COULD NEVER BE ACHIEVED, HOW DOES SOMEONE GO ABOUT QUESTIONING RULINGS, JUDGMENTS MADE BY A SUPREME COURT JUDGE, WHO MAKES JUDGMENTS WITHOUT ANY SORT OF REASON EXPLAINING WHY, YOUR HONOUR, I HOPE TO FINALLY GET A CHANCE REGARDS MY APPEAL. THE GROUNDS OF APPEAL HAVE BEEN IN FRONT OF EAT SINCE MARCH 2012, ALL THIS BEING IGNORED, I WILL DO MY BEST TO GO THROUGH MAKING APPLICATION TO COURT OF SESSION SOMETHING THAT I HAVE NO CHOICE BUT TO DO SOMETHING THAT I THINK WAS PUT TO FINALLY GIVEN UP MY APPEAL. ~~ACITING~~

1ST JULY 2012.

(CLAIMANT) signed Peter Stull

Mennie, Simon @ Edinburgh EAT (TS, Edinburgh)

From: Harrington, Mark (EAT) on behalf of LONDONEAT
Sent: 06 July 2012 11:15
To: Inch, Barbara; Williamson, Joanna (TS, Edinburgh)
Cc: Wymer, Martine (EAT)
Subject: FW: REQUEST FOR REVIEW , EAT PRESIDENT REFUSED CLAIMANTS APPLICATION FOR LEAVE TO APPEAL , 25TH JUNE 2012 EAT EDINBURGH , SCOTLAND , UKEATPAS/0100/11/BI , PETER STILL V TESCO STORES LTD , OTHERS, duplicate, JW

Barbara/Joanna:

This application for a review of an application for leave to appeal a decision in a Scottish appeal was received in the London mailbox, presumably because the President considered the original application.

Mark Harrington
Operational Support Manager
Employment Appeal Tribunal

From: peter still [mailto:peterstill1969@hotmail.co.uk]
Sent: 06 July 2012 09:23
To: LONDONEAT
Subject: REQUEST FOR REVIEW , EAT PRESIDENT REFUSED CLAIMANTS APPLICATION FOR LEAVE TO APPEAL , 25TH JUNE 2012 EAT EDINBURGH , SCOTLAND , UKEATPAS/0100/11/BI , PETER STILL V TESCO STORES LTD , OTHERS

REQUEST BY CLAIMANT PETER STILL V TESCO STORES LTD AND OTHERS ET CLAIM 111150/2010 , REGISTERD 22 JULY 2011 SIGNED ETJ SUSAN CRAIG , APPEAL TO EAT SCOTLAND BY CLAIMANT UKEATPAS/0100/11/BI PETER STILL V TESCO STORES LTD AND OTHERS , NOTICE OF APPEAL , JUDGEMENT , 111150/2010 REGISTERD 22/07/2012 , LADY SMITH , DISMISSED CLAIMANTS APPEAL FOR WANT OF INSISTENCE , 17/04/2012 EAT EDINBURGH , APPLICATION MADE TO EAT FOR LEAVE TO APPEAL TO COURT OF SESSION , 21/05/2012 , LADY SMITH , PASSED ON LEAVE TO APPEAL APPLICATION TO EAT PRESIDENT HONOUABLE JUSICE LANGSTAFF , WHILE AT EAT IN SCOTLAND , 25/06/2012 , ORDER BY PRESIDENT THAT PERMISSION FOR LEAVE TO APPEAL TO COURT OF SESSION REFUSED AND REASONS GIVEN , AT END OF ORDER REFUSING LEAVE TO APPEAL , PRESIDENT , SAYS , PERMISSION TO APPEAL ON THOSE GROUNDS [if i have correctly identified them] is accordingly refused , THE HONOURABLE MR JUSTICE LANGSTAFF , PRESIDENT EMPLOYMENT APPEAL TRIBUNAL , YOUR HONOUR AFTER RECEIVING YOUR ORDER REFUSING MY APPLICATION FOR LEAVE TO APPEAL , WHILE YOU WERE IN EAT IN EDINBURGH , SCOTLAND ON 25/06/2012, I HAVE HAD TO NOW MAKE A APPLICATION TO THE COURT OF SESSION , FOR PERMISSION FOR LEAVE TO APPEAL , WHCH I HAVE NOW DONE I HAVE SENT THE COURT OF SESSION , ALONG WITH THE APPLICATION , A BUNDLE OF PAPERS , AND 4 GROUNDS OF APPEAL , I AM GOING TO FORWARD THE SAME PAPERS , TO YOUR HONOUR , I HOPE I CAN DO THIS BEFORE END OF NEXT, WEEK , THE FOUR GROUNDS OF APPEAL , are nothing to do at all with lady smith , decisions , applications , dismissal of appeal on 17/05/2012, for want of insitence , my application for leave to appeal to court of session , contained four grounds for appeal , these were grounds against et , claim 111150/2010 , peter still v tesco stores ltd and others , registered 22/07/2011 , dismissing my claims , DIRECT DISABILITY DISCRIMINATION , DDA95 , S3A [5] , ALSO WITHDAWL OF ALL CLAIMS AGAINST ALL OTHER RESPONDENTS , AND UNFAIR DISMISSAL , grounds for appeal have always been against that judgement , these grounds were always in front of lady smith , GROUND 1 , opening submission by advocate for respondents regards , jurisdiction , tribunal had accepted , mr k mcguires opening submission that dda95 claim , was bound to fail , could never succeed , along with authority from photo , copy houe of lords , lewisham v malcolm 2008 , this was not included in written judgement reasons registered 22 july 2011 , signed judge susan craig , the judgement oral given at end of hearing on 17th june 2011 , which did contain

mr k mcguires opening submission , which tribunal accepted they didnt have jurisdiction to hear a claim of dda95 , as formulated and was bound to fail , THIS ORAL JUDGEMENT WAS AUDIO TAPED ON 17/06/2011 , claimant requested copy of this , was told that it had been wiped and used for another hearing GROUND 2 , unfair dismissal reasons , perverse no other tribunal would make same judgement on evidence before it , GROUND 3 , JURIDICTION , 2002 PRE ACTION REQ , DIRECT DISABILITY DISCRIMINATION DDA95 S 3A [5] this sort of discrimination not pleaded in ET1 , or further better particulars , or at any time by claimant orally or in writing , not pleaded in original application and no amendment to include new claim of discrimination , CHAPMAN V SIMON , COURT OF APPEAL JUDGEMENT , and GROUND 4 , EMPLOYMENT TRIBUNAL FAILING IN ITS DUTY TO MAKE FINDINGS AND TO DEMONSTRATE WHY IT DIDNT ACCEPT VARIOUS ACCOUNTS , your honour you say that lady smith passed the papers onto you , for you to decide application for leave to appeal , court of session , i had a 36 page handwritten , background and grounds for appeal , for rule 3 10 hearing , same 4 grounds , and eat bundle indexed , reading list , two bundles , for hearing which contained all documents to show my grounds for appeal these contained 186 pages , lady smith refused application for bundle to contain more than 100 pages , when i forward all this to your honour , this is same as i have sent to court of session , you will be able to see reasons contained , which lady smith dismissed , claimant peter still 111150/2010 eat 0100/11/BI ,

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

54

Williamson, Joanna (TS, Edinburgh)**From:** peter still [peterstill1969@hotmail.co.uk]**Sent:** 06 August 2012 01:32**To:** EDINBURGHEAT**Subject:** RE: REQUEST FOR REVIEW , EAT PRESIDENT REFUSED CLAIMANTS APPLICATION FOR LEAVE TO APPEAL , 25TH JUNE 2012 EAT EDINBURGH , SCOTLAND , UKEATPAS/0100/11/BI , PETER STILL V TESCO STORES LTD , OTHERS

COULD YOU PLEASE PUT THIS EMAIL , TO PRESIDENT OF EAT THE HONOURABLE MR JUSTICE LANGSTAFF AS A MATTER OF URGENCY

YOUR HONOUR MY NAME IS PETER STILL , I AM THE CLAIMANT IN ET CLAIM S/111150/2010 PETER STILL V TESCO STORES LTD AND OTHERS JUDGEMENT REGISTERD 22/07/2011 SIGNED BY EMPLOYMENT JUDGE SUSAN A CRAIG , I APPEALED TO EAT SCOTLAND UKEATPAS/0100/11/BI PETER STILL V TESCO STORES LTD AND OTHERS AGAINST REGISTERD ET JUDGEMENT 22/07/2011 , LADY SMITH DISMISSED MY APPEAL ON 17/04/2012 FOR WANT OF INSISTENCE , I MADE A LEAVE TO APPEAL APPLICATION DATED 21/05/2012 , LADY SMITH PASSED THIS TO YOUR HONOUR AND THIS APPLICATION WAS REFUSED BY ORDER DATED 26/06/2012 LEAVE TO APPEAL TO COURT OF SESSION AND REASONS GIVEN BY YOUR HONOUR FOR REFUSING , I REQUESTED A ORAL REVIEW HEARING IN A EMAIL SENT 06/07/2012 AND FOUR GROUNDS OF APPEAL AGAINST REGISTERED ET JUDGEMENT 22/07/2011 , HAVING LODGED A REVIEW APPLICATION IN PERSON ON 30/07/2012 AT EAT OFFICE EDINBURGH ALONG WITH TWO BUNDLES OF DOCUMENTS THE FIRST BUNDLE CONTAINED 3 PAGE REVIEW APPLICATION AND MY APPEAL CLAIM TO EAT UKEATPAS/0100/11/BI , THE SECOND BUNDLE CONTAINED DOCUMENTS 4 GROUNDS OF APPEAL AGAINST ET JUDGEMENT REGISTERD 22/07/2012 S/111150/2010 PETER STILL V TESCO STORES LTD AND OTHERS GROUNDS OF APPEAL IN GREAT DETAIL ALONG WITH ET BUNDLE DOCUMENTS I HAVE BEEN TOLD THESE WILL BE PUT TO YOUR HONOUR THIS WEEK WHILE SITTING IN EDINBURGH FOR DIRECTION ,

THIS APPEAL IS NEARLY ONE YEAR SINCE MY NOTICE OF APPEAL WAS SENT TO EAT SCOTLAND , I WOULD LIKE TO BRING GROUND 3 OF APPEAL IN BUNDLE NUMBER 2 , WHICH WAS . A GROUND INCLUDED IN EAT1 LODGED AUGUST 2011 , THAT THE CLAIMANT AT NO POINT FROM ET1 9/08/2010 TILL END OF HEARING 17/06/2011 , ORALLY OR IN WRITING PLEADED A CLAIM OF DIRECT DISABILITY DISCRIMINATION SECTION 3A (5) OF THE DISABILITY DISCRIMINATION ACT 1995 , LADY SMITHS RULE 3 (7) REPLY TO THIS GROUND OF APPEAL DATED 4/10/2011 , PAGE 3 AND 4 OF REVIEW BUNDLE 1 , LADY SMITH STATES , (Regarding his assertion that he was not advancing a claim of direct discrimination , that was the only disability discrimination he could have been advancing , given that there is no hint in his claim of a relevant indirect discrimination claim , as the the tribunal records at paragraph 10 , by the time of the full hearing , the issue regarding disability was whether or not the claimant had been dismissed on grounds of disability and if so, whether he had received less favourable treatment, that is, the disability claim was of direct discrimination) i have been advised that no other judge in the uk would have made such a statement and for such a senior judge to do so was hard to believe if it wasnt in writing , as in ground 2 of bundle 2 you will see that ive followed all orders direction made by judge susan a craig also in bundle 1 , your honour i have not been able to sleep without medication since end of et hearing on 17/06/2011, i would be willing to attend in person regards my review while your honour is sitting in edinburgh on any of the days you are sitting , if this is not possible would your honour consider contact by telephone if he was available to do so regards review , i have been driven to the point where i had considered ending my life before lady smith dismissed my appeal on the 17/04/2012 , it was after attending local lawyers that i received my first expert advice face to face , due to size of firm i was told that they didnt do employment work anymore but as i had made appointment he would take a look at my claims , he advised me that he was amazed that lady smith ,made the statement regards rule 3 (7) concerning direct discrimination , also not to give in as his honest belief thats what he thought was being attempted by lady smith , he told me that accusations had been made against lady smith conceal of evidence in eat appeal dr quigley v st andrews university , he also told me that employment judge susan craig had been a partner in lady sniths husbands legal firm sheperd and wedderburn before becoming full time et judge in 2004 , your honour as regards request to attend in person this week or to have telephone contact , i need some sort of closure regards this and dont want to have to wait for directions sent in post , kind regard claimant peter still , i can be contacted by email at peterstill1969@hotmail.co.uk i check this daily or anytime on my mobile phone number 07836344848

06/08/2012

EMPLOYMENT APPEAL TRIBUNAL

Appeal No UKEATPAS/0100/11/BI

BEFORE

**THE HONOURABLE MR JUSTICE LANGSTAFF (PRESIDENT)
(IN CHAMBERS)**

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the Judgment of an Employment Tribunal sitting at Edinburgh and entered in the Register on the 22nd day of July 2011

BETWEEN:

Mr Peter Still

Appellant

- and -

Tesco Stores Ltd. & Others

Respondents

UPON THE APPLICATION of the Appellant by e-mailed letter dated the 6th day of July 2012 for a Review of the Orders of the Employment Appeal Tribunal seal dated the 26th day of June 2012 and the 18th day of April 2012

AND UPON consideration of the documentation lodged by the Appellant on the 30th day of July 2012 and an e-mailed letter lodged by the Appellant on the 6th day of August 2012

IT IS DIRECTED that the Appellant's application for a Review of the aforementioned Orders be refused for the reasons attached hereto

D A T E D the 9th day of August 2012

TO: Mr Peter Still, the Appellant
Squire, Sanders & Dempsey (UK) LLP, for the Respondent

The Secretary, Central Office of Employment Tribunals, Scotland

(Case No.S/111150/10)



STILL v TESCO STORES

DECISION ON APPLICATION FOR REVIEW

1. I refused an application for leave to appeal to the Court of Session against the dismissal of Mr. Still's appeal for want of insistence on 17th. April 2012.
2. Subsequently, Mr. Still has applied for a review – I take it, of my decision; but in case I have misunderstood, I shall treat it also (and separately) as an application for review of Lady Smith's order.
3. I shall start with the latter. She was plainly entitled to take the view she did, for the reasons she has since given (and which I had not seen when I refused leave to appeal).
4. The next question is whether she should have dismissed the appeal in any event, since Mr. Still had presented a large bundle of documents, and written argument, for her to consider.
5. The issue in any appeal is whether the ET has made an error of law. It decided to reject the claim that Mr. Still had been dismissed unfairly from his employment with Tesco's. The employer dismissed for capability (that was a finding of fact open to the ET on the material before it). The assessment of the fairness of that, in all the circumstances of the case including the size and administrative resources of the employer, having regard to equity and the substantial merits of the case, was for the ET to make: there is no tenable argument (except for the issues raised over disability) that the ET was not entitled to conclude that taken overall the dismissal for that reason was fair. It appears that others with a similar absence record would have been dismissed.
6. If the issues as to disability amount to an allegation that the employer dismissed Mr. Still because he was disabled (i.e. direct discrimination) he would be bound to fail on the law as it stood under the DDA, in the light of the Malcolm v Lewisham decision in the House of Lords ([2008] UKHL 43) – (a) because he could not show that dismissal for the lengths of absence he had would not have been the sanction given to anyone who was not disabled, and thus could not show that he had suffered any detriment by reason of his disability; (b) because so far as disability-related discrimination is concerned, again the Malcolm decision would rule him out; (c) because the decision holds that where an employer does not know of the disability he is not to be held to have discriminated on a ground related to disability.
7. If the case was that there should have been a reasonable adjustment, and failure to make it amounted to disability discrimination, it is not at all apparent from the decision that any argument was made to this effect. I

can see no trace of it in the ET1 (though an unspecified claim of discrimination on the ground of disability is made there).

8. Accordingly, there is no apparent basis for argument that the ET was in error of law in reaching the decision it did.
9. It must follow that Lady Smith, if she considered the material put before by the claimant, was entitled to conclude there was no prospect of success; and if she did not consider it then (even though she had earlier considered the same Notice of Appeal for the purposes of ruling under r.3(7) of the EA Rules that there was no prospect of success) would in any event have been bound to conclude that there was no arguable basis for an appeal.
10. Accordingly, I have come to the conclusion that the decision Lady Smith made was one which fell within her entitlement to make.
11. The grounds upon which a review may be granted are set out in r.33 of the EAT Rules 1993. The grounds in r.33(1)(a) and (b) are plainly inapplicable here. That under ground (c) ("the interests of justice require such review") is potentially applicable. However, it follows from what I have said above that I do not see any real injustice to the Claimant (whatever he may feel about it) in dismissing his appeal for want of insistence, since if it had been argued orally there is nothing to indicate that permission to argue the appeal at a full hearing of the EAT could properly have been granted.
12. Mr. Still is left to pursue his case for permission to appeal before the Court of Session to that court.

Mr. Justice Langstaff,
President,
Employment Appeal Tribunal
08 August 2012



8



EMPLOYMENT APPEAL TRIBUNAL

Second Floor, Fleetbank House
2-6 Salisbury Square, London, EC4Y 8JX
Telephone : 020 7273 1041
Facsimile : 020 7273 1045

Mr P Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

Your Ref:
Our Ref: UKEATPAS/0100/11/BI

21 August 2012

Dear Mr Still

Mr Peter Still v Tesco Stores Ltd. & Others

Thank you for your letter dated 16 August 2012, addressed to the EAT President, Mr Justice Langstaff, in which you ask that the President review his order of 09 August 2012 and revoke Lay Smith's order of 18 April 2012.

The President is not sitting at the EAT at present and will not return until October, so will not be able to respond to your letter before then.

However I would point out that, whilst the President can review his own order, he cannot alter Lady Smith's decision – that can only be done on review by Lady Smith or on appeal to the Court of Session.

Yours sincerely

Mark Harrington
Operational Support Manager

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:38
To: Complaintsphso
Subject: FW: URGENT LEGAL HELP ADVICE NEEDED REGARDS DDA95 DISCRIMINATION CLAIM , 2 YEARS HAVING TO REPRESENT MYSELF IN ET, EAT AND COURT OF SESSION ?

VF-ITEM-ID: 2456935:2220786:197518:M02878257

> From: donald.nicolson@strath.ac.uk
> To: peterstill1969@hotmail.co.uk
> CC: diane.inglis@strath.ac.uk
> Date: Tue, 18 Sep 2012 08:14:27 +0100
> Subject: RE: URGENT LEGAL HELP ADVICE NEEDED REGARDS DDA95 DISCRIMINATION CLAIM , 2 YEARS HAVING TO REPRESENT MYSELF IN ET, EAT AND COURT OF SESSION ?
>
> Dear Peter
>
> If you would like to phone 0141 548 5995 we can assess whether we can help you, though I should warn you that the chances of overturning decisions on the sort of grounds you have raised are not great. But please ring us first before we can advise.
>
> Best wishes
> Donald
> Donald Nicolson
> Professor of Law and Director of Law Clinic
> School of Law, University of Strathclyde
> Room 734 Graham Hills Building,
> George Street
> G1 1QS
> Glasgow
> 0141 548 3978
>
> _____
> From: peter still [peterstill1969@hotmail.co.uk]
> Sent: 18 September 2012 01:46
> To: Donald Nicolson
> Subject: URGENT LEGAL HELP ADVICE NEEDED REGARDS DDA95 DISCRIMINATION CLAIM , 2 YEARS HAVING TO REPRESENT MYSELF IN ET, EAT AND COURT OF SESSION ?
>
> dear proffesor , my name is peter still i am contacting you directly regards my claim of disability discrimination dda95 against ex employer and four managers , et claim s/111150/2010 peter still v tesco stores ltd and others which was handled by etj susan a craig from 9th august 2010 until registerd judgement 22 july 2011, my appeal to eat was handled by lady smith from 4th october 2011 rule 3 (7) until order dated 18th april 2012 dismissing my appeal for want of insistence up until this time i had no legal advice by lawyer i eventually got advice from lawyer start of may 2012 , at start of appointment was told

that i couldnt be represented by them due to size of practice and they had stopped taking employment law work , but he would give us the time for the appointment to take a look at my case , i asked him if he could tell me if i was wasting my time as this was affecting my health state of mind to the point of thinking of ending my life , i wanted to know one way or another if i had ground for appeal or not after looking at the bundle of documents from eat and tribunal , the advice he gave me is the reason i am contacting you in a final attempt for help , that the grounds i had put forward in eat1 were points of law these were dismissed in lady smiths rule 3 (7) dated 4th october 2011 and that reasons given by lady smith is unbelievable to believe if they were not in writing , his opinion was that lady smith was making sure a flawed judgement by et judge susan craig would never be brought to question , that lady smith had been accused of this previous , that etj susan craig was a partner in lady smiths husbands legal firm shepperd and wedderburn before being appointed to et , that i must put a complaint in against lady smith this should prevent her from dealing with your appeal in future , having ignored your grounds of appeal when raised after 4th october 2011 , until 18th april 2012 , since then the same grounds have been ignored totally by president justice langstaff in leave to appeal application and review of order refusing application not a single mention of these grounds , on 6th september leave to appeal application with same grounds of appeal also violated human rights right to a fair trial , ignored grounds of appeal and evidence , leave to appeal to proceed without authorised signature due to no legal representation , lord ordinary 10th september 2012 refused claimants leave to appeal without required signature and sent back my application with the no review lordship decision final , i have until friday this week to lodge leave to appeal with required signature this is 42 day deadline , need to have someone who can look at my leave to appeal to court of session to let me know if i have any sort of chance my mobile number is 07586715423 kind regards peter still

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CCTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit www.cctmark.gov.uk



EMPLOYMENT APPEAL TRIBUNAL (Scotland)

52 Melville Street

Edinburgh EH3 7HF

Telephone : 0131 225 3963

Facsimile : 0131 220 6694

Your Reference:

Our Reference: UKEATPAS/0100/11/BI

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

22 October 2012

Dear Sir

Mr Peter Still v Tesco Stores Ltd. & Others

I refer to the above matter and enclose a sealed copy of the Order.

Yours faithfully

Richard Jaeger
for Registrar

Encl



EMPLOYMENT APPEAL TRIBUNAL

Appeal No UKEATPAS/0100/11/BI

BEFORE

**THE HONOURABLE MR JUSTICE LANGSTAFF (PRESIDENT)
IN CHAMBERS**

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the Judgment of an Employment Tribunal sitting at Edinburgh and entered into the register on the 22nd day of July 2011

BETWEEN:

Mr Peter Still

Appellant

- and -

Tesco Stores Ltd. & Others

Respondent

UPON THE APPLICATION of the Appellant by letter dated the 16th day of August 2012 for a Review of the Order of the Employment Appeal Tribunal seal dated the 9th day of August 2012

IT IS DIRECTED that the Appellant's application for a Review of the aforementioned Order be refused for the reasons attached hereto

D A T E D the 19th day of October 2012

TO: Mr Peter Still the Appellant
Messrs Squire, Sanders & Dempsey (UK) LLP Solicitors, for the Respondent

The Secretary, Central Office of Employment Tribunals, Scotland

(Case No. S/111150/2010)



EMPLOYMENT APPEAL TRIBUNAL

Appeal No UKEATPAS/0100/11/BI

STILL v TESCO

1. I am asked to review my decision of 9th August to refuse a review of a decision by Lady Smith.
2. If necessary to say so clearly, I refuse to do so. However, I do not think that this is truly a fresh decision. In substance, Mr. Still wishes to re-open and re-argue the decision made by Lady Smith, as to which my views are unaltered from those I expressed earlier. That was what he sought by his application for a review, earlier. I do not consider he has a right to ask successively for reviews (I do not consider, for instance, that he has any right to ask for a review of this consideration by me, merely by terming it a fresh decision of the EAT) – and accordingly, having ruled on his application for a review, and no new material being put to me other than by way of further and repeated argument, I do not consider I should take a fresh decision at all.
3. Mr. Still should realise that, as far as the Appeal Tribunal is concerned, and subject only to any order to the contrary from the Inner House of the Court of Session, his appeal is over.

Mr Justice Langstaff.
President,
Employment Appeal Tribunal

19th. October 2012.

Fax: 1) 220 6694
E-mail: burgheat@hmcts.gsi.gov.uk

From: peter still [mailto:peterstill1969@hotmail.co.uk]
Sent: 10 February 2014 14:53
To: edinbuegheat@hmcts.gsi.gov.uk
Subject: FW: REQUEST FOR REVIEW , EAT PRESIDENT REFUSED CLAIMANTS APPLICATION FOR LEAVE TO APPEAL , 25TH JUNE 2012 EAT EDINBURGH , SCOTLAND , UKEATPAS/0100/11/BI , PETER STILL V TESCO STORES LTD , OTHERS

for the attention of babera inch / EATPAS/0100/11/BI PETER STILL V TESCO STORES LTD AND OTHERS
22/10/2012

From: peterstill1969@hotmail.co.uk
To: londoneat@hmcts.gsi.gov.uk
Subject: RE: REQUEST FOR REVIEW , EAT PRESIDENT REFUSED CLAIMANTS APPLICATION FOR LEAVE TO APPEAL , 25TH JUNE 2012 EAT EDINBURGH , SCOTLAND , UKEATPAS/0100/11/BI , PETER STILL V TESCO STORES LTD , OTHERS
Date: Mon, 10 Feb 2014 14:36:34 +0000

FOR THE ATTENTION OF EAT PRESIDENT JUSTICE BRIAN LANHSTAFF , REQUEST FOR A REVIEW OF PETER STILL V TESCO STORES LTD AND OTHERS S/1111/50/2010 REGISTERD JUDGEMENT 22/07/2011 SIGNED BY EMPLOYMENT JUDGE SUSAN A CRAIG / BRIAN LANGSTAFF YOU AS EAT PRESIDENT HAVING JUDGED ON MY CLAIM UKEAT/PAS/0100/11/BI HAVE VIOLATED MY HUMAN RIGHTS ECHR ARTICLE 6 [1] THE RIGHT TO A FAIR HEARING ON THE ORDERS SIGNED BY YOU ON 26/06/2012 / 09/08/2012 AND LAST ON THE 22/10/2012 IN WHICH YOU STATE I HAVE NO RIGHT TO ASK YOU TO CONSIDER MY CLAIM ANYMORE UNLESS NEW EVIDENCE COMES TO LIGHT WELL IT HAS COME TO LIGHT THAT THERE IS NEW EVIDENCE WHICH HAS BEEN THERE ALL ALONG , I PETER STILL THINK YOU HAVE NO RIGHT TO BE ANYTHING TO DO WITH ANY SORT OF JUSTICE OR TO HAVE THAT WORD ASSOCIATED WITH YOU ION ANY WAY EXCEPT MAYBE INJUSTICE , MY CLAIM WAS DDA95 DIRECT DISCRIMINATION SECTION 3 [5] . A FORM OF OF DDA95 THAT CANT BE JUSTIFED / SECOND THAT LADY SMITH FROM JAN2011 UNTIL JULY 2011 HAD INTERVIEWED SUSAN A CRAIG ON 2 OCCASIONSA FOR THE JOB OF PART TIME SHERIFF , AS A BOARD MEMBER OF THE SCOTTISH JUDICAL APPOINTMENT BARD SCOTLAND , THEN GOES ON TO DEAL WITH MY APPEAL WHICH YOU THEN ON 3 OCCASIONS REFUSE MY RIGHTS BY THE ORDERS YOU SIGNED YOUR A CORRUPT LOWEST OF THE LOW AND FRUDING THE PUBLIC WITH YOUR 178.000 SALARY YOU TSAKE EACH YEAR SHERIFF SUSAN A CRAIG SIGNED A JUDGEMENT AND LADY SMITH AND YOU COVERED FOR HER LIES OF MY CASE 22/07/2011 SO I WANT YOU TO RECONSIDER MY REVIW AGHAIN AND I WANT A PUBLIC HEARING IN A COURT OF EAT IN LONDON FOR YOU TO ANSWER AND JUSTIFY YOUR VIOLATION OF MY HUMAN RIGHTS HOW MANY OTHER HAVE YOU DONE THIS TO AND IF YOU REFUSE YOUR AS GUILTY AS A FRAUD TO THE PEOPLE OF UK , A RAT FRAUD , peter still s/111502010 22/07/2011 / ukeat 0100/2011/bi DONT SEND THIS TO SCOTLANMD IT IS YOU BRIAN LANGSTAFF IM ACCUSING OF BEING A FRAUD EAT HAVE PAPERS FOR 3YEARS AFTER FINAL JUDGEMENT SO 22/10/2012 WAS LAST YOU SIGNED

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail.

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.

This e-mail (whether you are the sender or the recipient) may be

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
EH47 0AX

BY E-MAIL ONLY

13 March 2014

Dear Sir

Mr Peter Still v Tesco Stores Ltd, & Others

I refer to the above matter and write further to your e-mail of 10 February 2014, which was referred to the Judge, The Honourable Mr Justice Langstaff (President) for direction. The President has directed as follows:

- (a) insofar as Mr. Still seeks to re-open his case on the basis of fresh ("new") evidence, he should approach the Employment Tribunal, not the EAT – see the Practice Statement of 21 April 2012 and the EAT Practice Direction of 2013.*
- (b) He has not identified clearly what the new evidence is*
- (c) Insofar as he asks me to review the EAT decision, he has repeatedly asked for this and the grounds do not improve with repetition. I refuse for the same reasons as before*
- (d) He has the right to approach the Court of Session for permission to appeal this decision, if he has not already done so (this decision being the same decision as I first made over a year ago)*
- (e) Insofar as he wishes to complain about my own conduct, he may do so either to the Senior President of Tribunals or to the Judicial Conduct Investigations Office.*

Yours faithfully

Joanna Williamson
for Registrar

Joanna Williamson
Employment Appeal Tribunal (Scotland)
52 Melville Street
Edinburgh
EH3 7HF

Telephone: (0131) 225 3963

Fax: (0131) 220 6694

E-mail: edinburgheat@hmcts.gsi.gov.uk