SHERIFF APPEAL COURT

[2026] SAC (Civ) 72
PER-A163-24

Sheriff Principal Gillian A Wade KC

OPINION OF THE COURT

delivered by SHERIFF PRINCIPAL GILLIAN A WADE KC

in the appeal in the cause

MJ

Pursuer and Appellant

against

STAGECOACH GROUP LIMITED

Defender and Respondent

Pursuer and Appellant: Party
Defender and Respondent: Miller, solicitor; Clyde & Co LLP

23 July 2026

Introduction and procedural history

[1] This appeal arises from an action based on alleged breaches of the Equality Act 2010 by bus services in England. The appellant raised proceedings against the respondent in Perth Sheriff Court claiming that Pride-themed bus liveries created a hostile environment for his Catholic beliefs. The appellant sought damages under section 119 of the Equality Act 2010, and an order for his proposed reasonable adjustments to be implemented by the respondent. He averred that the "Ride with Pride" livery which was sometimes used on buses operating on this route was contrary to the teachings of the Catholic Church. As a

devout Catholic with a disability (autism spectrum disorder) the Pride-themed bus livery was a visual sensory trigger which hindered his access to them. The respondent's failure to make reasonable adjustments, and use of the livery was indirect discrimination on the grounds of both disability and religion.

[2] Before the sheriff the proof covered all issues but the sheriff's decision ultimately focussed on the different responsibilities and duties incumbent on the operating company and the respondent as the parent company and questioned whether the appellant had sued the correct entity. After considering the evidence the sheriff held that the respondent was not liable for the Pride bus liveries or the alleged discrimination, as these decisions were made independently by the local operating company. In terms of her interlocutor of 6 May 2026 she sustained the respondent's plea to the relevancy and dismissed the action, awarding expenses in favour of the respondent. It is against this interlocutor that the appellant now appeals.

[3] By virtue of interlocutor of 1 June 2026 I ordered that the matter should proceed by way of written submissions in terms of Rule 8.2(1)(b) of the Sheriff Appeal Court Rules 2021 and ordered that these, together with any authorities upon which the parties sought to rely, be lodged by 22 June 2026.

The sheriff's decision

[4] The sheriff's judgment of 6 May 2026 sets out the findings in fact upon which she proceeded. In summary the appellant used bus services on routes between Whitstable and Canterbury, Kent, England in 2024. These services are provided by East Kent Road Car Company Limited, having its registered office at One Stockport Exchange, 20 Railway Road, Stockport. East Kent Road Car Company Limited trades as Stagecoach South East. On the

evidence provided the sheriff concluded that Stagecoach South East is an operating company and is a separate company from Stagecoach Group Limited, the respondent in this case.

[5] In June 2024, the respondent introduced a Pride-themed livery to support Pride month. The livery incorporated a rainbow design and the words "Ride with Pride". The livery was used at the discretion of the operating companies including East Kent Road Car Company Limited trading as Stagecoach South East. Three out of 408 vehicles operated by Stagecoach South East carry the Pride design. In July 2024, the appellant sent correspondence by email to the respondent detailing the difficulties he was facing in accessing Stagecoach buses due to his disability and religious beliefs (production 5/13 of process). He complained that as a practising Catholic, the promotion of Pride events on bus services created a hostile environment for him, making it difficult to access Stagecoach buses without experiencing significant distress. He made certain requests in terms of the Equality Act 2010. In its response dated 19 July 2024 the respondent acknowledged the appellant's email but confirmed an ongoing commitment to support and enrich their diverse workforce and the communities they serve. No complaint was made to East Kent Road Car Company Limited trading as Stagecoach South East.

[6] At finding in fact 12 the sheriff states:

> "At the time of the Pursuer's complaint East Kent Road Car Company Limited trading as Stagecoach South East were completely autonomous from the Defender and made all their own branding, marketing and promotional decisions."

and in finding in fact 13 she adds:

> "The Pursuer's action relates to services provided by East Kent Road Car Company Limited trading as Stagecoach South East. The Defender had no responsibility for branding, marketing or promotional decisions made by East Kent Road Car Company Limited trading as Stagecoach South East."

[7] These findings were central to the sheriff's decision and her findings in fact and law that the action had been brought against the wrong company, namely the respondent and it should instead have been brought against East Kent Road Car Company Limited trading as Stagecoach South East. Accordingly she considered that the action was irrelevant. She sustained the respondent's first plea-in-law, repelled the appellant's pleas-in-law and dismissed the action.

[8] As the sheriff explains in her note, the matter had previously been assigned to a diet of debate which proceeded before a different sheriff on 17 March 2025. She records that on that date the respondent withdrew its motion to have the case dismissed and a proof before answer was assigned. Evidence was heard on 19 January and 16 March 2026 and following receipt of written submissions the sheriff took the matter to avizandum on 8 April 2026.

[9] The appellant, who has represented himself throughout these proceedings, gave evidence. In short his position was that the respondent was the ultimate parent company which had significant control over branding, policy and operational decisions of the operating company which he appears to have wrongly thought to be Stagecoach South East trading as East Kent Road Car Company Limited when it is the opposite way around. However for present purposes that matters not. The appellant referred to a number of documentary productions which he maintained evidenced corporate control. The appellant was not cross-examined in relation to the question of the identity of the correct defender. That is understandable given it was a proof before answer and the matter was one of law depending on what was made of the evidence.

[10] The sheriff then heard evidence from the managing director of East Kent Road Car Company Limited, Mr Mitchell, who explained that his company trades as Stagecoach South East and has its registered office in Stockport. He is based at the Canterbury Bus Station.

In his affidavit he explains that Stagecoach South East is a separate company from Stagecoach Group Limited. His company and other companies operating in the UK do so under the governance and support structure of the respondent. However, as managing director, he is responsible for setting the strategic direction of his company. He confirmed that he had autonomy over branding and liveries at the time of the complaint although there may subsequently have been a shift in control. In this case, it was East Kent Road Car Company Limited that made the decision to implement a Pride livery.

[11] In cross-examination the appellant questioned the witness about the handling of his complaint in July 2024 and he confirmed that this would have been handled by Stagecoach Perth Service Centre. However, accountability lies with him and he pays into a fund to allow that to happen. Any customer correspondence would be fielded by Stagecoach Perth Service Centre and then sent to the local company for a response. Mr Mitchell was not consulted personally about the appellant's complaint but he has a team of 70 managers so it is likely to have been investigated at that level.

[12] Stagecoach Group's head of brand and marketing also gave evidence to similar effect and explained that individual operating companies decide on liveries, funding, and deployment. In relation to complaint handling she confirmed that these are dealt with at the Perth Service Centre. The Perth Service Centre has access to a hub of information which is fed into by the different operating companies. If a complaint comes into the Perth Service Centre and they do not have all the information about it then they would reach out to the operating company leadership team to help respond to the complaint.

[13] In submissions before the sheriff the appellant accepted that in order to succeed, he would have to establish that liability lay with the respondent. He submitted that the terms of section 29(1) of the Equality Act 2010 were sufficiently broad to encompass anyone

concerned with the provision of the service and not restricted to the entity that physically drives the bus. He referred to three productions (5/25, 5/20 and 5/30) which he said demonstrated corporate control and pointed to the fact that the respondent had taken up his complaint as an assumption of responsibility. He submitted that the respondent would not have defended the action at all if it were not the correct party.

[14] In response and in reliance on the evidence adduced the respondent argued that the service provider was the entity which operates the bus service and the respondent had no control over the choice of livery by East Kent Road Car Company Limited trading as Stagecoach South East or indeed the number of buses which bore such livery and the routes on which those buses operated. The handling of the complaint on a central basis was an economy of scale and not an indicator of responsibility. The respondent had sought to have the case dismissed at debate, but the presiding sheriff had considered that evidence was required. Defending the action did not amount to conceding the point about liability.

[15] Between paras [28] and [32] the sheriff provided the reasons for her decision to dismiss the case which turned substantially upon what she made of the evidence of the witnesses. She considered the evidence of the managing director of East Kent Road Car Company Limited and the marketing manager of the respondent to be clear and unequivocal. The companies were separate entities and decisions about livery were clearly made by the former. She does observe that the evidence of these witnesses was not challenged and they were not shown the documents upon which the appellant founds.

[16] She did not consider that the central handling of the complaint assisted the appellant as it could not impose responsibility on the respondent for decisions that were made by the operating company who were ultimately responsible for the provision of bus services used

by the appellant. She rejected the argument anent the decision to defend the proceedings as "a complete red herring".

Grounds of appeal

[17] The appellant's Note of Appeal advances seven grounds of appeal which can be summarised thus:

1. The sheriff erred in law in misdirecting herself as to the correct interpretation of the service-provider duty under Equality Act 2010 Part 3, including section 29, section 29(7), sections 20 and 21, and Schedule 2. She construed the test for service-provider responsibility too narrowly, confining it to the entity operating the bus service on the relevant route. The statutory framework is broader. Section 29(1) applies to a person "concerned with the provision of a service to the public". Section 29(7) extends the duty to make reasonable adjustments. Sections 20-21 and Schedule 2 establish an anticipatory duty in the services context. The sheriff failed to apply the correct framework and did not engage with the Equality and Human Rights Commission ("EHRC") Statutory Code of Practice for Services, Public Functions and Associations, in particular paragraphs 3.6 and 11.7 thereof. The claim was not confined to the physical operation of a bus route. It included the respondent's refusal of a reasonable-adjustment request through its central customer services function. The sheriff was required to determine whether the respondent was concerned with the provision of the relevant service and/or responsible for the refusal of the adjustment request. The sheriff did not do so.

2. The sheriff failed to give adequate reasons for dismissing the action and made contradictory findings. In particular: (a) the sheriff did not engage with the appellant's primary legal argument on the construction of section 29 and the wider Part 3 framework and stated no reason for rejecting it; (b) finding in fact 6 (that "the Defender introduced a Pride-themed livery to support Pride month") is irreconcilable with finding in fact 13 (that the defender had "no responsibility for branding, marketing or promotional decisions made by East Kent Road Car Company Limited"); and (c) paragraph 27 of the judgment materially misstates the disposal of the debate of 17 March 2025 (as to which see ground 6).

3. The sheriff erred in wrongly discounting the appellant's productions 5/13, 5/20, 5/23, 5/25, 5/27 and 5/30 on the ground that they "were not put to the witnesses for comment.". The documents relied upon were generated by the respondent. They were not referred to in the affidavits before the court. Finally her approach was inconsistent with her duty to take account of the appellant's disability. The appellant refers to paragraphs 7 and 30 of her judgment in support of this ground.

4. The sheriff's findings that East Kent Road Car Company Limited was "completely autonomous" from the respondent at the material time (finding in fact 12) and that the respondent had "no responsibility for branding, marketing or promotional decisions" (finding in fact 13) were inadequately reasoned. They failed to reconcile material evidence pointing to centralised brand, compliance, and complaints functions: the respondent's Code of Conduct (5/23), the respondent's Companies House overview (5/25) recording

the respondent as registered with SIC code 49319 (passenger land transport), the respondent's group press release of 13 June 2024 (5/27), and Mr Mitchell's own evidence that marketing had been centralised at group level. The sheriff did not explain how those evidential matters were addressed in reaching the absolute findings of "complete" autonomy and "no" responsibility.

5. The sheriff failed to consider shared service-provider liability under Equality Act 2010 Part 3 and paragraph 11.7 of the EHRC Services Code. Paragraph 11.7 of the EHRC Services Code recognises that where a service appears to be provided by more than one provider, liability may be shared among service providers. The sheriff erred by treating the question as a binary choice between East Kent Road Car Company Limited and the respondent. Where the provision of a service comprises distinct elements - (i) operation of the buses, (ii) brand and livery, and (iii) handling of complaints and the response to a request for reasonable adjustment - the Part 3 duty is capable of falling on more than one person, each in respect of the element with which that person is concerned. The respondent was, on the evidence, concerned with the brand-level Pride campaign, with the group-level Code of Conduct binding subsidiaries, and with the central complaint-handling which produced the refusal email of 19 July 2024 sent in its own corporate name.

6. Material misstatement of the disposal of the 17 March 2025 debate.

At paragraph 27 of the judgment the sheriff records that on 17 March 2025 "The presiding Sheriff considered that evidence had to be heard." That account is incorrect. The interlocutor of the sheriff records that the defenders withdrew their motion to dismiss and that the defender's agent expressly "accepted that

the matters raised by him in his rule 22 note and written submission were matters for proof." The respondent conceded that the entity question was to be determined on the evidence. The sheriff's subsequent approach to the documentary evidence at paragraph 30 is inconsistent with that approach footing.

7. The errors identified in grounds 1 to 6 were material. If the respondent was concerned with the provision of the relevant service in any material respect, or was responsible for the refusal of the reasonable-adjustment request issued in its own corporate name, the action should not have been dismissed at the threshold stage and the remaining Equality Act 2010 issues (disability, substantial disadvantage, reasonableness of the adjustments sought, indirect discrimination, justification, and remedy) required to be determined.

Appellant's submissions

[18] The appellant invites the court to allow the appeal, to recall the sheriff's interlocutor, and to remit the cause for determination of the remaining issues upon which evidence was heard. He identifies that as the sheriff's decision turned on the facts this court may only disturb her findings if it can be demonstrated that she has gone plainly wrong. *Henderson* v *Foxworth Investments Ltd* [2014] UKSC 41; 2014 SC (UKSC) 203. However as the appeal turns on an error of law, namely the approach to section 29 of the Equality Act 2010 this court does not require to reconsider the evidence.

[19] In relation to his first ground of appeal, the appellant argues that the sheriff did not address the central question namely whether the respondent was a person concerned with the provision of the service - not whether it was the operator of the buses. The words

"concerned with" are deliberately wide, and more than one person may be concerned with the provision of a single service. The statutory test was neither set out nor applied. That is a misdirection in law.

[20] The handling of the appellant's complaint by the respondent was significant in that a person whose central function receives, processes and refuses a disabled customer's request for an adjustment to a service is, at least arguably, a person concerned with the provision of that service. The sheriff's conclusion at para [31] - that central complaints handling "does not impose responsibility on the defender for decisions that were made by the operating company" - assumes that the only relevant decision was the livery choice. It was not. The refusal of the requested adjustment was itself an act complained of, and on the evidence it was made and communicated centrally.

[21] The fact that matters were being dealt with centrally did not remove the need to apply section 29. The question was whether that was a merely administrative function, or whether it made the respondent a person concerned with the provision of the service. The response to requests for reasonable adjustments is "part of the provision of the service" of a bus route.

[22] In support of ground 2 the appellant argues that the sheriff failed to consider that there could be concurrent service providers responsibility. Under the heading "Services provided to the public by more than one provider", the EHRC Code of Practice: Services, Public Functions and Associations (2011) recognises that a service may appear to be provided by more than one provider and that liability under the Act may be shared among service providers - a matter of particular importance to the duty to make reasonable adjustments; the Code is a statutory code which the court must take into account where relevant (Equality Act 2006, section 15(4)). The sheriff treated the question as binary - either

East Kent or the respondent - and never considered whether both were concerned with the provision of the service. The failure to address concurrent responsibility is a further error of law.

Respondent's submissions

[23] The respondent invited the court to refuse the appeal on the basis that it was not legally responsible for making reasonable adjustments under the Equality Act 2010 because it was not the provider of the bus service. The duty to make reasonable adjustments applies to the organisation providing the service, not to every company involved in supporting that service.

[24] In this case, Stagecoach South East operated the Whitstable-Canterbury bus route. It employed the drivers, allocated the buses, decided which buses would carry the Pride livery, paid for the livery, and determined where those buses would operate. The respondent's role was limited to providing central support services, including handling customer complaints on behalf of operating companies. It had no authority to decide whether the Pride livery should be used or removed.

[25] Although the appellant complained to the respondent and requested removal of the Pride livery as a reasonable adjustment, the respondent simply communicated the operating company's decision after consulting it. Sending a response does not make it the service provider or responsible for the underlying decision.

[26] The application of the EHRC Code of Practice supports identifying the organisation actually responsible for the part of the service alleged to be discriminatory. Since the operating company controlled the buses and liveries, it alone could implement any adjustment. While the complaint handling itself may require reasonable adjustments (such

as providing accessible communications), that does not make the complaints handler responsible for the subject matter of the complaint.

[27] The sheriff correctly accepted witness evidence showing that the operating company had autonomy over the bus route and Pride livery, and that the appellant's documents did not contradict that evidence.

[28] With regard to the appellant's additional grounds of appeal, there was no contradiction in the sheriff's findings, the documentary evidence was properly considered, and any event did not assist the appellant.

[29] If the appeal were to be allowed, the respondent's *esto* position is that the case be sent back to the original sheriff to decide the remaining outstanding issues.

Decision

[30] The appellant's case is predicated upon his establishing that the respondent had responsibility for the bus operating company or was in control of the bus operating company's use of Pride livery. The sheriff approached her decision on a factual basis. Her judgment turned entirely on what she made of the evidence having heard and seen the witnesses. In particular the combined effect of her findings in fact 12 and 13 make clear that she accepted the evidence of the respondent's witnesses that East Kent Road Car Company Limited trading as Stagecoach South East was autonomous and made all its own branding, marketing and promotional decisions for which the respondent had no responsibility.

[31] Accordingly as a matter of fact the sheriff was entirely justified in reaching the conclusion that the companies were separate legal entities. The respondent had no responsibility for decisions made by the operating company who were ultimately

responsible for the provision of bus services used by the appellant. That, so far as the sheriff was concerned, was the end of the matter.

[32] However in her judgment the sheriff does not address the legal argument advanced by the appellant and reiterated in grounds 1 and 5 of his appeal, which is directed at the correct approach to the interpretation of section 29 of the Equality Act 2010 and explores what, as a matter of law, amounts to the provision of a bus service. She does not consider the general duty to make reasonable adjustments in the context of public and transport services. This is no doubt because on the facts her decision was straightforward.

[33] The duty to make reasonable adjustments in terms of sections 20-22 of the Equality Act 2010 arises in relation to a disabled person as defined in section 6(1) and (2) of the Act. A disabled person is a reference to a person who has a disability. A person has a disability if the person has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

[34] If section 20 is engaged by virtue of a disability having been established, then certain requirements require to be satisfied only one of which is relevant for the purposes of this appeal. The section provides:

> "**20 Duty to make adjustments**
>
> (1) Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A.
>
> (3) The first requirement is a requirement, where a provision, criterion or practice ('PCP') of A's puts a disabled person at a substantial disadvantage in relation to [*the provision of the service*] in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
>
> (4) The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in

comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to:
[(a) avoid the disadvantage, or
(b) to adopt a reasonable alternative method of providing the service or exercising the function.]"

[35] The "first requirement" is the only one relevant to this appeal as no averments are made concerning the "second requirement" on record. The first requirement is to change a PCP.

[36] As is clear from section 20(1), the duty to make reasonable adjustments varies depending upon the context in which the adjustments are requested. The appellant's case is that the respondent was providing a public service within the meaning of Part 3 Equality Act 2010. Accordingly, the relevant duty arises under reference to section 20 (read with Schedule 2, Schedule 3 and Schedule 21 of the Equality Act) and section 29. Section 29 provides:

"Provision of services, etc.

29 Provision of services, etc.

(1) A person (a 'service-provider') concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

(7) A duty to make reasonable adjustments applies to -
(a) a service-provider (and see also section 55(7));
(b) a person who exercises a public function that is not the provision of a service to the public or a section of the public."

[37] It is clear that East Kent Road Car Company Limited trading as Stagecoach South East, the operating company would be a "service provider" within the meaning of section 29(1) and that the operating company would have an obligation to make reasonable adjustments in relation to the provision of the bus service. However the appellant's position is that this definition is wide enough to encompass the respondent also.

[38] Guidance can be found in the EHRC Statutory Code of Practice for Services, Public Functions and Associations, ("the Code")which is relied upon by the appellant in his first and fifth ground of appeal. The court should take into account the Code in any case in which it appears relevant. The appellant relies upon the following sections of the Code:

> "3.6 The Act imposes obligations on everyone concerned with the provision of services to the public, or to a section of the public, whether in the private, public or voluntary sectors. It does not matter if services are provided free of charge, such as access to a shopping mall, or in return for payment, for example, a meal in a restaurant. Under the Act, the provision of services to the public includes the provision of goods or facilities. Throughout this Code, unless otherwise indicated, reference to provision of services includes provision of goods or provision of facilities."

> "11.7 A service to the public might appear to be provided by more than one service provider. In such a case, it may be important to identify who is actually responsible for providing the service which has given rise to the alleged discrimination. In some cases, liability under the Act may be shared among a number of service providers. It is possible, for example, for two service providers to have full liability, and any obligations must be met by those providers. It is irrelevant how they decide between them what to do in order to meet their duties; what is important is that the obligations under the Act are in fact met. This is likely to be of particular importance in relation to the duty to make reasonable adjustments for disabled people".

[39] However the Code provides helpful examples to assist in determining whether a person is a service provider for the purposes of the Act and to identify the service being provided. At paragraph 11.6 the Code states

> "It is important to remember that it is the provision of the service that is affected by the Act, and not the nature of the service or business or the type of establishment from which it is provided. In many cases, a service provider is providing a service by a number of different means. In some cases, however, each of those means of service might be regarded as a service in itself and subject to the Act."

> "A bank has a cash machine inside a supermarket. Although the cash machine is located on the supermarket's premises, the service is being provided by the bank. The bank is likely to be responsible for any duties that may arise under the Act in respect of the cash machine. However, the supermarket is likely to be responsible for ensuring that the cash machine is physically accessible to disabled customers using its premises."

[40] While it is clear that more than one party may be concerned with the provision of a service this would require each party to be actively involved in the provision of the service, to have a degree of control over how that service was delivered and to have the ability to implement any reasonable adjustments considered necessary. In this case, the respondent had no such involvement or ability.

[41] The service in this case is the provision of buses. It is in respect of that service that reasonable adjustments are sought by the appellant, namely the removal of the livery or the provision on non-liveried buses on his route. For the reasons provided by the sheriff responsibility for both the provision of the buses and any adjustments as regards livery are entirely the responsibility of the operating company and not the respondent.

[42] The appellant argues that by having handled his complaint about the livery the respondent has assumed a joint responsibility for provision of the bus service. He suggests that it was all one service with three distinct elements. That argument is flawed. At its highest the evidence showed that the respondent was the central point of contact for complaints and processed them for or on behalf of the operating company for which the operating company paid a fee. The handling and processing of complaints by the respondent is therefore a separate service to which the duty to make adjustments might also apply (eg to provide access to complaints information in an accessible format). The provision of that service to the operating company and to the public does not render the respondent jointly liable for the provision of the buses on the route used by the appellant. Any duties incumbent upon the respondent as a result of it hosting and handling complaints for or on behalf of the operating company related to that service only.

[43] Having decided that the wrong party had been sued the sheriff did not go further and consider the pleadings or whether, having regard to the statutory framework as a

whole, including provisions for exemptions from the requirement to make reasonable adjustments liability could ever have been established. This feeds directly into the appellant's second ground of appeal.

[44] The gravamen of the appellant's case at Article 1A and 4.1A on record was that the respondent had operational control or had assumed responsibility for determining his reasonable adjustment request. Before the sheriff he submitted that (i) the respondent had assumed responsibility for the reasonable adjustment request (ii) that the respondent exercised control over the operating company and (iii) that section 29(1) of the Equality Act 2010 is broad enough to cover "any person concerned with the provision of the service not merely the entity that physically drives the bus."

[45] The sheriff's findings in fact [12] and [13] are not directly challenged. In any event, adopting the usual principles in relation to the circumstances in which the appellate court will interfere with primary facts, the sheriff cannot be said to have gone plainly wrong, squandered the benefit of hearing the evidence, failed to take into account a relevant matter or provided insufficient reasons.

[46] In so far as it is submitted in grounds 2, 3 and 4 that the sheriff failed to give reasons for her decision the starting point is *Wordie Property Co Limited* v *Secretary of State for Scotland* 1984 SLT 345. The requirement is to:

> "Deal with the substantial questions in issue in an intelligible way. The decision must, in short, leave the informed reader and the court in no real and substantial doubt as to what the reasons for it were and what were the material considerations which were taken into account in reaching it."

[47] The reasoning provided by the sheriff at para [28] is brief but sufficient. Taking the points made in the appellant's submission in turn:

> (i) and (ii) on the unchallenged facts the respondent was not in any way responsible for the livery branding on the buses operated by the operating company. The respondent had neither assumed responsibility nor exercised control over the decision making relating to the service being provided.
>
> (iii) the central handling of complaints as outlined by the witnesses does not impose responsibility on the respondent for decisions that were made by the operating company who were ultimately responsible for the provision of bus services used by the appellant.

Those reasons leave the informed reader in no real and substantial doubt about why the matter was decided as it was or the resolution of the principal controversial issues between the parties. In other words, the respondent was not "concerned with the provision of the [bus] service"; (para [20] of the sheriff's judgment).

[48] It matters not whether section 29 of the Equality Act is widely framed: the appellant failed to prove that the respondent was responsible for determining the reasonable adjustment request to the service provided. Using the EHRC's examples in the Code, a bank would be responsible for ensuring the software in their ATM was accessible to disabled persons and a supermarket (that hosted the ATM) would be responsible for ensuring the ATM was physically accessible to disabled people within its stores. Applying that by analogy, the bus operating company was responsible for making decisions in relation to livery on its buses and consequently any associated reasonable adjustments to this and the respondent was responsible for ensuring its processes and procedures for handling and

communicating the bus operating company's decision on the complaint were clear and accessible.

[49] As such, the appellant failed to establish his averments at Article 1A and 4A that the respondent was responsible as parent company, controlling company or ratifying company for the reasons given by the sheriff and no error of law arises.

[50] For the sake of completeness I do not accept that there is any inconsistency between finding in fact [6] and finding in fact [13]. The sheriff details the evidence of the respondent's marketing manager upon which those findings were made at para [14] of her judgment:

> "Operational decisions including livery use and spend sit with each operating company. In terms of branding, …….. Ms Rowlands explains that whilst the central team can design and recommend liveries, the adoption of the liveries is at the discretion of the individual operating company. The operating company decides if and when to use the livery, how many vehicles will carry it and they fund the application locally. Central guidance may be issued but operating companies are not mandated to follow it."

[51] It is plain that although the respondent designed the livery there was no obligation whatsoever upon the operating company to use it and if it did it would be at its discretion and cost. I agree with the submission of the respondent that even if the respondent had sympathy with the appellant's request to remove the livery it could not have implemented the appellant's request for its removal. It had no power to do so. Its only function was to communicate the decision of the operating company in this regard to the appellant which it did. Ground 2(b) is therefore also without merit and falls to be refused.

[52] Ground 2(c) and ground 6 fall to be considered together. It is submitted that there has been a material misrepresentation of the disposal of 17 March 2025 following debate at which proof before answer was allowed. That interlocutor states:

> "The sheriff, having heard from parties, the defenders having withdrawn their motion to dismiss the cause, assigns a proof before answer and pre-proof hearing on dates to be afterwards fixed; appoints parties to lodge their availability with the Sherif Clerk within 14 days of today's date."

At para [1] of her judgment the sheriff states: "On 17 March 2025 the Defender withdrew their motion to dismiss the cause and a proof before answer was assigned after other sundry procedure on 19 January 2026." At para [27] she states:

> "Finally, the Defender addressed the Pursuer's point that the Defender had chosen to defend the case without seeking to have it dismissed. That is incorrect. A debate was assigned on 17 March 2025 on several points including the point that the incorrect Defender had been sued. The presiding Sheriff considered that evidence had to be heard. Obviously, the Defender had to defend the action otherwise decree in absence would have been granted."

[53] Both of these paragraphs of the sheriff's judgment are entirely accurate. The procedure adopted was correct. A proof before answer took place and on the basis of the evidence led the appellant failed to establish that he had sued the correct party or that liability could be visited upon the respondent for the reasons provided above. The sheriff upheld the respondent's preliminary pleas and dismissed the action. She was correct to do so. In any event grounds 2(c) and 6 have no bearing whatsoever on the sheriff's decision. They are irrelevant and fall to be refused.

[54] That is sufficient to dispose of grounds 1, 2, 5 and 6 of the appeal. Grounds 3 and 4 relate to the sheriff's consideration of the appellant's documentary productions which he relies upon to evidence corporate control by the respondent over the operating company in respect of decisions regarding livery. These productions were duly considered by the sheriff [paragraph 6] and discussed [paragraph 30]. They are also available to this court. She formed the view that they did not evidence the position for which the appellant contended. The relationship between the respondent and the operating company was spoken to by the witnesses as was the delineation of responsibilities and duties. None of the documents

produced contradicted their evidence and they were not asked about them. For the reasons given above the sheriff was entitled to consider the evidence as a whole and make of it what she, in her discretion, considered appropriate. Her decision has been satisfactorily explained and her findings in fact are not challenged. The appellant is simply asking this court to come to a different decision based on the material which the sheriff considered. That is not the function of this court. This ground is entirely without merit.

[55] Ground 7 asserts that the materiality of the sheriff's errors was such that the matter should not have been dismissed and the other issues raised by him ought to have been determined. Having decided that the sheriff made no errors, and that the action should indeed be dismissed because a) the appellant has indeed directed it against the wrong party and b) the respondent has no liability for the bus service, the livery or the reasonable adjustments contended for, this ground also falls away.

[56] For the foregoing reasons I shall refuse the appeal in its entirety and adhere to the sheriff's interlocutor of 6 May 2026. In accordance with the usual rule that expenses should follow success I shall also make an award of expenses in relation to the appeal procedure in favour of the respondent.