

## SCHEDULES

### SECOND SCHEDULE

Section 9.

#### PROVISIONS AS TO THE APPEAL TRIBUNAL

- 1 (1) Subject to the provisions of this paragraph, the members of the appeal tribunal, other than any members appointed to act for a particular case, shall hold office for such period as may be determined at the time of their respective appointments.
- (2) Any member of the tribunal may at any time by notice in writing to the Lord Chancellor resign his appointment.
- (3) If a member of the tribunal becomes a member of the advisory committee, his office shall thereupon become vacant.
- (4) The Lord Chancellor may declare the office of any member of the tribunal vacant on the ground of incapacity to perform the duties thereof, or on the ground of misconduct.
- (5) If any member of the tribunal becomes bankrupt or makes an arrangement with his creditors, his office shall thereupon become vacant.
- (6) In the application of the preceding provisions of this paragraph to members appointed by the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland or the Secretary of State, references to the Lord President, Lord Chief Justice or Secretary of State, as the case may be, shall be substituted for the references to the Lord Chancellor.
- 2 If any member of the tribunal is, by reason of illness, absence or other reasonable cause, for the time being unable to perform the duties of his office, either generally or in relation to any particular proceedings, the Lord Chancellor, the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland, or the President of the Institution of Electrical Engineers acting with the approval of the Council thereof, as the case may be, shall appoint some other duly qualified person to discharge the duties of that member for any period not exceeding six months at one time, or, as the case may be, in relation to those proceedings, and the person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.
- 3 (1) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—
  - (a) the administration of oaths and the taking of affirmations; and
  - (b) the correction in awards of mistakes and errors; and
  - (c) the summoning, attendance and examination of witnesses and the production of documents; and
  - (d) the costs of the reference and award,shall, with any necessary modifications, apply in respect of any proceedings in England and Wales before the appeal tribunal, but save as aforesaid the said Acts shall not apply to any proceedings before the appeal tribunal.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The appeal tribunal shall, as respects proceedings in Scotland, have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the tribunal were an arbiter under a submission.
- (3) Sub-paragraph (1) of this paragraph shall apply in relation to proceedings in Northern Ireland as it applies in relation to proceedings in England and Wales, with the substitution of references to the Arbitration Act (Northern Ireland) 1937, for the references to the Arbitration Acts, 1889 to 1934.
- 4       The power of the tribunal to award costs or expenses shall include power to order a sum to be paid to the Postmaster General in respect of the expenses of the tribunal:
- Provided that an order under this paragraph shall only be made where, in the opinion of the tribunal, the person against whom the order is made was acting frivolously or vexatiously in requiring the matter in question to be referred to the tribunal or, as the case may be, in making or resisting the application before the tribunal.
- 5       The assessors shall give their opinions to the president on all matters of a technical nature and shall take such further part in the proceedings of the tribunal as he may direct, but the decision of the president or, in a case where additional members have been appointed, the decision of all, or, in the event of a difference of opinion, of the majority of, the members of the tribunal other than the assessors, shall, on all questions, be the decision of the tribunal.
- 6       Subject to the provisions of this Schedule and of Part II of this Act, the procedure in or in connection with any proceedings before the tribunal shall be such as may be determined by rules to be made by the tribunal with the approval of the Lord Chancellor as respects proceedings in England and Wales, of the Lord President of the Court of Session as respects proceedings in Scotland and of the Lord Chief Justice of Northern Ireland as respects proceedings in Northern Ireland.
- 7       Without prejudice to any method available by law for the proof of orders of the tribunal, a document purporting to be a copy of any such order and to be certified by the president of the tribunal to be a true copy thereof shall, in any legal proceedings, be sufficient evidence of the order until the contrary is proved.

#### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Post Office Act, 1908	8 Edw. 7. c. 48.