

SCHEDULE

The Labour Relations Agency Arbitration Scheme

PART XXIV

Miscellaneous provisions

Requirements in connection with legal proceedings

119.—(1) Sections 80(1), (2), (4), (5), (6) and (7) of the Arbitration Act 1996 shall apply to arbitrations conducted in accordance with the Scheme, modified as shown in sub-paragraphs (2) to (7).

(2) References in this Part to an application, appeal or other step in relation to legal proceedings being taken “upon notice” to the other party to the arbitral proceedings, or to the arbitrator, or to the LRA, are to such notice of the originating process as is required by rules of court and do not impose any separate requirement.

(3) Rules of court shall be made—

- (a) requiring such notice to be given as indicated by any provision of this Part, and
- (b) as to the manner, form and content of any such notice.

(4) References in this Part to making an application or appeal to the court within a specified period are to the issue within that period of the appropriate originating process in accordance with rules of court.

(5) Where any provision of this Part requires an application or appeal to be made to the court within a specified time, the rules of court relating to the reckoning of periods, the extending or abridging of periods, and the consequences of not taking a step within the period prescribed by the rules, apply in relation to that requirement.

(6) Provision may be made by rules of court amending the provisions of this Part—

- (a) with respect to the time within which any application or appeal to the court must be made,
- (b) so as to keep any provision made by this Part in relation to arbitral proceedings in step with the corresponding provision of rules of court applying in relation to proceedings in the court, or
- (c) so as to keep any provision made by this Part in relation to legal proceedings in step with the corresponding provision of rules of court applying generally in relation to proceedings in the court.

(7) Nothing in this section affects the generality of the power to make rules of court.

Service of documents and notices to the LRA

120. Any notice or other document required or authorised to be given or served on the LRA for the purposes of the arbitral proceedings shall be—

- (a) sent by pre-paid post to the following address:
The Arbitration Secretary
Labour Relations Agency
2-16 Gordon Street
Belfast
BT1 2LG

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- or such other address as the LRA may notify to the parties;
- (b) transmitted by facsimile, addressed to the Arbitration Secretary, at the number stipulated in the LRA Guide to the Scheme; or
- (c) by electronic means, as stipulated from time to time in the LRA Guide to the Scheme.

Service of documents or notices on any other person or entity (other than the LRA)

121. Any notice or other document required or authorised to be given or served on any person or body (other than the LRA) for the purposes of the arbitral proceedings may be served by any effective means.

122. If such a notice or other document is addressed, pre-paid and delivered by post:

- (a) to the addressee's last known principal residence or, if he or she is or has been carrying on a trade, profession or business, his or her last known principal business address; or
- (b) where the address is a body corporate, to the body's registered or principal office,

it shall be treated as effectively served.

Powers of court in relation to service of documents

123.—(1) Section 77 of the Arbitration Act 1996(1) shall apply to arbitrations conducted in accordance with the Scheme, modified as shown in sub-paragraphs (2) to (5).

(2) This section applies where service of a document on a person is not reasonably practicable.

(3) The High Court or the county court may make such order as it thinks fit—

- (a) for service in such manner as the court may direct, or
- (b) dispensing with service of the document.

(4) The LRA or any party to the arbitration agreement may apply for an order, but only after exhausting any available arbitral process for resolving the matter.

(5) The leave of the court is required for any appeal from a decision of the court under this section.

Reckoning periods of time

124.—(1) Sections 78(2), (3), (4) and (5) of the Arbitration Act 1996 shall apply to arbitrations conducted in accordance with the Scheme, modified as shown in sub-paragraphs (2) to (6).

(2) Periods of time provided for in any provision of this Part shall be reckoned in accordance with the following provisions.

(3) Where the act is required to be done within a certain number of days of or from an event, the date of that event shall not be included in the calculation..

(4) Where the act is required to be done a certain number of days before or after an event, the date of that event shall not be included in the calculation.

(5) Where the act is required to be done within a certain period ending upon a Sunday or a public holiday, that period ends on the first day following that is not a Sunday or a public holiday.

(6) A “public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday.

(1) 1996 c. 23