

## SCHEDULES

### SCHEDULE 3

#### ARBITRATION

#### PART I

#### GENERAL

##### *Establishment of Tribunal*

- 1 If a party to a dispute such as is mentioned in subsection (1) of section 20 above serves on the other party or parties to the dispute, at a time when no proceedings relating to it have been commenced in any court, a notice that he wishes the dispute to be determined by arbitration, the Secretary of State shall by order establish a tribunal to determine the dispute and any other dispute such as is mentioned in subsection (2) of that section.
- 2 An order under paragraph 1 above shall be laid before each House of Parliament.
- 3 A tribunal shall be a court of record and shall have an official seal which shall be judicially noticed.
- 4 A tribunal shall, as the Lord Chancellor may direct, either sit as a single tribunal or sit in two or more divisions and, subject to paragraph 5 below, shall, for the hearing of any proceedings, consist of—
- (a) a president who shall be a barrister or solicitor of at least seven years standing appointed by the Lord Chancellor, and
  - (b) two other members appointed by the Secretary of State, one being a person of experience in business and the other being a person of experience in finance.
- 5 In its application to proceedings which, by virtue of paragraph 18 below, are to be treated as Scottish proceedings, paragraph 4 above shall have effect with the substitution, for sub-paragraph (a) thereof, of the following sub-paragraph:—
- “(a) a president who shall be an advocate or solicitor who has practised in Scotland and who shall be appointed by the Lord President of the Court of Session”.
- 6 The members of a tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for reappointment but, notwithstanding that the period for which a member was appointed has not expired.—
- (a) a member may, at any time by not less than one month's notice in writing to his appointor, resign his office ;
  - (b) the appointor of a member may declare the office of that member vacant on the ground that he is unfit to continue in his office ; and

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*Status: This is the original version (as it was originally enacted).*

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- (c) if any member becomes bankrupt or makes a composition with creditors or, in Scotland, if sequestration of a member's estate is awarded or a member makes a trust deed for behoof of his creditors or a composition contract, his office shall thereupon become vacant.

7 If any member of a tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, his appointor shall appoint some other fit person to discharge his duties for any period not exceeding 6 months at any one time, and the person so appointed shall during that period have the same powers as the person in whose place he was appointed.

8 In this Part of this Schedule, "appointor", in relation to a member of a tribunal means—

- (a) in the case of a member appointed under sub-paragraph (a) of paragraph 4 above, the Lord Chancellor or, if paragraph 5 above applies, the Lord President of the Court of Session ; and
- (b) in the case of any other member, the Secretary of State.

9 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted, at the appropriate place in alphabetical order:—

“An Arbitration Tribunal established under Schedule 3 to the Industry Act 1975”.

10 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1971 (Tribunals under direct supervision of Council on Tribunals) after the entry the first column of which reads " Indemnification of justices and clerks " there shall be inserted the following entry:—

“Industry.	9A. An arbitration tribunal established under Schedule 3 to the Industry Act 1975.”.
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#### *Staff and expenses*

11 A tribunal may appoint such officers as they consider necessary for assisting them in the proper execution of their duties.

12 (1) There shall be paid to members of a tribunal such remuneration (whether by way of salaries or fees) and such allowances as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

(2) There shall be paid to any officer appointed under paragraph 11 above and any person to whom proceedings are referred by the tribunal under paragraph 27 below for inquiry and report such remuneration (whether by way of salary or fees) and such allowances as the tribunal may, with the approval of the Secretary of State given with the consent of the Minister for the Civil Service, determine.

(3) The Secretary of State shall pay any such remuneration and allowances and any other expenses of a tribunal shall be defrayed by the Secretary of State out of money provided by Parliament.