

*Status: Point in time view as at 31/01/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975, Part II. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### ARBITRATION

#### PART II

#### PROCEEDINGS

##### *Proceedings other than Scottish proceedings*

- 13 Paragraphs 14 to 17 below shall have effect with respect to proceedings of a tribunal other than those which, by virtue of paragraph 18 below, are to be treated as Scottish proceedings.
- 14 The provisions of [<sup>F1</sup>Part I of the Arbitration Act 1996] with respect to—
- (a) the administration of oaths and the taking of affirmations,
  - (b) the correction in awards of mistakes and errors,
  - (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 such proceedings but, except as provided by this paragraph, the provisions of [<sup>F2</sup>that Part] shall not apply to any such proceedings.

#### Textual Amendments

- F1** Words in Sch. 3 para. 14 substituted (31.1.1997 subject to transitional provisions) by 1996 c. 23, s. 107(1), Sch. 3 para. 30(a); S.I. 1996/3146, art. 3.
- F2** Words in Sch. 3 para. 14 substituted (31.1.1997 subject to transitional provisions) by 1996 c. 23, s. 107(1), Sch. 3 para. 30(b) (with s. 81(2)); S.I. 1996/3146, art. 3.

- 15 A tribunal may, and if so ordered by the Court of Appeal shall, state in the form of a special case for determination by the Court of Appeal any question of law which may arise in such proceedings.
- 16 An appeal shall lie to the Court of Appeal on any question of law or fact from any determination or order of the tribunal with respect to compensation under section 16(6) above.
- 17 (1) Subject to the provisions of this Schedule, the procedure in or in connection with any such proceedings shall be such as may be determined by rules made by the Lord Chancellor by statutory instrument.
- (3) A statutory instrument containing rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### *Scottish proceedings*

- 18 Where a dispute submitted to a tribunal relates to capital of a body corporate whose principal place of business is situated in Scotland, or assets which are situated in Scotland, then, subject to paragraph 20 below, the proceedings before the tribunal in respect of the dispute shall be treated as Scottish proceedings.
- 19 If, at any stage in any proceedings before a tribunal which would not otherwise fall to be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of Scottish law arise or for any other reason, the proceedings ought thereafter to be treated as Scottish proceedings, the tribunal may order that they shall thereafter be so treated and the provisions of this Schedule shall have effect accordingly.
- 20 If, at any stage in any proceedings before a tribunal which would otherwise be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of English law arise or for any other reason, the proceedings ought not to be treated as Scottish proceedings, they may make an order that the proceedings shall thereafter not be treated as Scottish proceedings and the provisions of this Schedule shall have effect accordingly.
- 21 In Scottish proceedings a tribunal shall 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.
- 22 A tribunal may and if so directed by the Court of Session shall state a case for the opinion of that Court on any question of law arising in Scottish proceedings.
- 23 (1) An appeal shall lie to the Court of Session on any question of law or fact from any determination or order of the tribunal with respect to compensation under section 16(6) above.
- (2) An appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this paragraph, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.
- 24 (1) Subject to the provisions of this Schedule, the procedure in or in connection with Scottish proceedings shall be such as may be determined by rules made by the Lord Advocate by statutory instrument.
- (2) A statutory instrument containing rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Modifications etc. (not altering text)**

- C1** [Sch. 3 para. 24](#): functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), [arts. 2\(1\), 3, Sch.](#) (with [art. 7](#))
- [Sch. 3 para. 24](#): transfer of functions (1.7.1999) by [S.I. 1999/1750](#), [art. 2](#), [Sch. 1](#) (with [art. 7](#))

- 25 Unless the tribunal consider that there are special reasons for not doing so, they shall sit in Scotland for the hearing and determination of any Scottish proceedings.

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*All proceedings*

- 26 Every order of a tribunal—
- (a) shall be enforceable in England and Wales and Northern Ireland as if it were an order of the High Court; and
  - (b) may be recorded for execution in the books of Council and Session and may be enforced accordingly.
- 27 A tribunal may, at any stage in any proceedings before them, refer to a person or persons appointed by them for the purpose any question arising in the proceedings, other than a question which in their opinion is primarily one of law, for inquiry and report, and the report of any such person or persons may be adopted wholly or partly by the tribunal and, if so adopted, may be incorporated in an order of the tribunal.

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