Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 3

BRITISH TRANSPORT POLICE

Police Services Agreements

35 Arbitration by Secretary of State

(1) This section applies to a dispute between the Authority and a person who has entered into a police services agreement, where the dispute is about the terms, construction or operation of the agreement.

(2) Either party to the dispute may refer it to the Secretary of State.

(3) The Secretary of State may—

(a) determine the dispute, or

(b) nominate a person to determine the dispute.

(4) The Secretary of State shall determine the procedure to be followed in determining a dispute under this section.

(5) In particular, the Secretary of State or nominated person shall give each party to the dispute an opportunity to make representations.

(6) In determining a dispute the Secretary of State or a nominated person may—

(a) give a declaration about how a provision of a police services agreement is to be construed or operated;

(b) vary the terms of a police services agreement;

(c) determine that one party is obliged in accordance with a police services agreement to pay a specified sum, or a sum to be assessed in a specified manner, to the other party;

(d) make an order about costs.

(7) Where a dispute is determined under this section—

(a) a party may appeal to the High Court on a point of law;

(b) the determination may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).

(8) Where it is agreed by the parties that Scots law applies to the police services agreement, a reference in subsection (7) to the High Court shall be treated as a reference to the Court of Session.