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SCHEDULES

FOURTH SCHEDULE

Sections 23, 30, 47.

PROVISIONS AS TO PERFORMING RIGHT TRIBUNAL

- 1 (1) Subject to the provisions of this paragraph, the members of the tribunal shall hold office for such period as may be determined at the time of their respective appointments ; and a person who ceases to hold office as a member of the tribunal shall be eligible for re-appointment.
- (2) Any member of the tribunal may at any time by notice in writing to the Board of Trade, or, in the case of the chairman of the tribunal, to the Lord Chancellor, resign his appointment.
- (3) The Board of Trade, or, in the case of the chairman of the tribunal, the Lord Chancellor, may declare the office of any member of the tribunal vacant on the ground of his unfitness to continue in office or incapacity to perform the duties thereof.
- 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 Board of Trade, or, in the case of the chairman of the tribunal, the Lord Chancellor, may 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 a 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 If at any time there are more than two members of the tribunal, in addition to the chairman, then, for the purposes of any proceedings, the tribunal may consist of the chairman together with any two or more of those members.
- 4 If the members of the tribunal dealing with any reference or application are unable to agree as to the order to be made by the tribunal, a decision shall be taken by the votes of the majority ; and, in the event of an equality of votes, the chairman shall be entitled to a second or casting vote.
- 5 The tribunal may order that the costs or expenses of any proceedings before it incurred by any party shall be paid by any other party, and may tax or settle the amount of any costs or expenses to be paid under any such order or direct in what manner they are to be taxed.
- 6 (1) The Lord Chancellor may make rules as to the procedure in connection with the making of references and applications to the tribunal, and for regulating proceedings before the tribunal and, subject to the approval of the Treasury, as to the fees chargeable in respect of those proceedings.
- (2) Any such rules may apply in relation to the tribunal—
 - (a) as respects proceedings in England and Wales, any of the provisions of the Arbitration Act, 1950, and

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- (b) as respects proceedings in Northern Ireland, any of the provisions of the Arbitration Act (Northern Ireland), 1937.

(3) Any such rules may include provision—

- (a) for prescribing the period within which, after the tribunal has given its decision in any proceedings, a request may be made to the tribunal to refer a question of law to the court;
- (b) for requiring notice of any intended application to the court under subsection (2) of section thirty of this Act to be given to the tribunal and to the other parties to the proceedings, and for limiting the time within which any such notice is to be given ;
- (c) for suspending, or authorising or requiring the tribunal to suspend, the operation of orders of the tribunal, in cases where, after giving its decision, the tribunal refers a question of law to the court;
- (d) for modifying, in relation to orders of the tribunal whose operation is suspended, the operation of any provisions of Part IV of this Act as to the effect of orders made thereunder;
- (e) for the publication of notices, or the taking of any other steps, for securing that persons affected by the suspension of an order of the tribunal will be informed of its suspension ;
- (f) for regulating or prescribing any other matters incidental to or consequential upon any request, application, order or decision under section thirty of this Act.

- (4) Provision shall be made by rules of court for limiting the time for instituting proceedings under subsection (2) of section thirty of this Act, and for authorising or requiring the court, where it makes an order directing the tribunal to refer a question of law to the court, to provide in the order for suspending the operation of any order made by the tribunal in the proceedings in which the question of law arose.

- (5) In this paragraph “the court” has the same meaning as in section thirty of this Act.

7 As respects proceedings in Scotland, the 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, as if the tribunal were an arbiter under a submission.

8 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 chairman of the tribunal to be a true copy thereof, shall, in any legal proceedings, be sufficient evidence of the order unless the contrary is proved