
STATUTORY INSTRUMENTS

1977 No. 1022

AIRCRAFT AND SHIPBUILDING INDUSTRIES

The Aircraft and Shipbuilding Industries
Arbitration Tribunal Rules 1977

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| <i>Made</i> | - - - - | <i>15th June 1977</i> |
| <i>Laid before Parliament</i> | | <i>28th June 1977</i> |
| <i>Coming into Operation</i> | | <i>1st August 1977</i> |

The Lord Chancellor, in exercise of the powers conferred on him by paragraph 5(1) of Schedule 7 to the Aircraft and Shipbuilding Industries Act 1977 and after consultation with the Council on Tribunals, hereby makes the following Rules:—

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Aircraft and Shipbuilding Industries Arbitration Tribunal Rules 1977 and shall come into operation on 1st August 1977.

(2) In these Rules, unless the context otherwise requires—

“the Act” means the Aircraft and Shipbuilding Industries Act 1977;

“the clerk” means the person for the time being performing the functions of clerk to the Tribunal;

“the office” means the office for the time being of the Tribunal;

“the President” means the president of the Tribunal;

“sealed” means sealed with the seal of the Tribunal;

“the Tribunal” means the Aircraft and Shipbuilding Industries Arbitration Tribunal established under section 42(1) of the Act.

(3) In these Rules a form referred to by number means the form so numbered in the Schedule to these Rules.

(4) The Interpretation Act 1889 shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

INSTITUTION OF PROCEEDINGS

Originating application

2.—(1) Proceedings before the Tribunal for the determination of any question or dispute shall be commenced by serving on the Tribunal an originating application substantially in accordance with Form 1.

(2) Every such application shall name as a respondent every party (other than the applicant) to the question or dispute, and any other person appearing to be directly interested in the subject matter of the application, and shall also contain a certificate that the application does not relate to proceedings which, under section 43 of the Act, are to be treated as Scottish proceedings.

Service of originating application

3. The clerk shall, as soon as may be after being served with an originating application, serve upon each respondent named therein a sealed copy thereof endorsed with a notice substantially in the following terms:—

“To the respondent (*naming the respondent served*): You will in due course be served with a statement setting out the facts alleged by, and the contentions of, the applicant and you are requested not to take any step in these proceedings until after service of such statement upon you”.

Joinder of parties

4.—(1) The Tribunal may at any time, upon the application of any person or of its own motion, direct that any person appearing to the Tribunal to be directly interested in the subject matter of the application be added as a respondent and thereupon the clerk shall serve upon such person a sealed copy of the originating application having endorsed thereon a notice in accordance with rule 5.

(2) The Tribunal may likewise, either upon such application or of its own motion, order that any respondent named in the originating application or subsequently added, who shall appear to the Tribunal not to have been, or to have ceased to be, directly interested in the subject matter of the application, be dismissed from the proceedings upon such terms (if any) as the Tribunal may think fit.

PLEADINGS

Applicant's statement

5.—(1) The applicant shall, within 21 days after the service on the Tribunal of his originating application, serve upon the Tribunal a statement in writing setting out the facts and matters relied upon by him and any contentions he may wish to put forward.

(2) The clerk shall, as soon as may be after being served with the applicant's statement, serve on each respondent a sealed copy thereof endorsed with a notice substantially in the following terms:—

“To the respondent (*naming the respondent served*):

If you wish to deny any of the facts alleged, or do not agree with any of the contentions put forward in this statement, or if you wish to allege any other facts or to put forward any other contentions, you should within 21 days after service of this statement upon you, or within such extended time as the Tribunal may allow, send or deliver to the clerk to the Tribunal at [*address of office*] an answer to this statement. Your answer should conform to the provisions of the Aircraft and Shipbuilding Industries Arbitration Tribunal Rules 1977 and should state an address at which any further notices, orders or other documents in these proceedings may be served upon you”.

Respondent's answer

6.—(1) A respondent may, within 21 days after service upon him of the statement of the applicant, serve upon the Tribunal an answer in writing.

(2) In his answer the respondent shall state which (if any) of the facts alleged in the applicant's statement he denies, and shall set out any other facts or matters relied upon by him and any contentions he may wish to put forward.

(3) Any fact alleged in the statement of an applicant and not expressly denied in an answer served by a respondent shall be taken to be admitted by that respondent but without prejudice to the power of the Tribunal to require proof thereof.

(4) Every respondent shall give in his answer an address at which any notice, order or other document in the proceedings may be served upon him.

(5) The clerk shall, as soon as may be after being served with a respondent's answer, serve a copy thereof on the applicant and on every other respondent.

ENTRY OF APPLICATIONS

Numbering of applications, etc

7. The clerk shall allot to every originating application a distinguishing serial number and every subsequent notice, statement, answer, order or other document relating to the same proceedings shall bear that number and the same heading as the originating application.

List of applications

8. The clerk shall make and keep a list of all applications to the Tribunal, showing their distinguishing numbers and dates, which may be inspected at the office during ordinary office hours upon application being made to the clerk.

Filing of applications, etc

9.—(1) Every application, notice, statement, answer, order or other document relating to any matter shall be filed by the clerk under its distinguishing serial number, and the file relating to any such matter may be inspected at the office during ordinary office hours upon application being made to the clerk by any person appearing to the clerk to have an interest in the matter or by his authorised agent.

(2) If the clerk refuses to allow any person to inspect a file that person may appeal to the President against the refusal.

INTERLOCUTORY DIRECTIONS

Applications for directions

10. Any party to proceedings before the Tribunal may at any time, subject to the provisions of rule 22, by serving on the clerk a notice in writing substantially in accordance with Form 2, apply to the Tribunal for interlocutory directions, including directions for delivery of further and better particulars of any allegation, for leave to amend any pleading or statement or to serve any further pleading, for discovery of documents and interrogatories, for the extension (whether or not it has already expired) or the abridgement of the time for taking any step in the proceedings, for fixing the day of the hearing or for any other purpose.

Hearing of application for directions

11.—(1) Subject to paragraph (3) of this rule, the clerk shall, on being served with a notice under rule 10, appoint a time and place for the hearing of the application and shall also—

- (a) give to every party concerned not less than 21 days notice in writing of the appointment or such shorter notice as the parties may agree; and
- (b) serve on every such party (other than the applicant) a copy of the notice of application.

(2) Any such application shall be considered by the President who may (and shall if so requested by any party to the proceedings) refer it to the Tribunal for hearing and disposal or may hear and dispose of it himself.

(3) Where all parties concerned consent to an application for interlocutory directions, the party seeking the directions may apply therefor by letter addressed to the clerk enclosing the written consent to the application of all the other parties, and the President may thereupon make the order and the clerk shall notify the parties thereof:

Provided that, if the President is of the opinion that he or the Tribunal should hear the parties, the clerk shall inform the parties accordingly and give them not less than 21 days' notice in writing of the appointment for the hearing or such shorter notice as the parties may agree.

Directions on Tribunal's own motion

12. The Tribunal may, of its own motion and at any stage in the proceedings, give any interlocutory directions after having given the parties an opportunity of being heard or of making representations in writing.

HEARING

Hearings before the Tribunal

13.—(1) Hearings before the Tribunal shall be held at such times and places as the Tribunal may determine.

(2) The clerk shall give to every party concerned not less than 21 days notice in writing of any hearing.

(3) Hearings of applications, other than applications for interlocutory directions, shall be in public:

Provided that, if all parties consent, a hearing may be held in private but in that case any member of the Council on Tribunals or of the Scottish Committee thereof, acting in his capacity as such, shall be entitled to be present.

Representations

14. A party may be represented at any hearing, whether before the Tribunal or the President, by counsel or solicitor or by any other person allowed by the Tribunal or the President (as the case may be) to appear on his behalf or may (if not a corporation or unincorporated body) appear in person.

Evidence

15. Evidence before the Tribunal may be given orally or, if the parties to the proceedings consent, by affidavit but the Tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

ORDERS

Consent orders

16. Where a dispute is compromised, the Tribunal may, by consent of the parties, make an order in the terms of the compromise and all further proceedings shall thereupon be stayed.

Decisions and orders of the Tribunal

17.—(1) The final decision of the Tribunal on an originating application shall be given in writing and shall include a statement of the Tribunal's reasons.

(2) The clerk shall send to every party to the proceedings a copy of the Tribunal's decision and shall cause a copy to be made available at the office for public inspection at such times as the Tribunal may direct.

(3) All orders of the Tribunal shall be sealed.

APPEALS

Statement of case for Court of Appeal

18.—(1) An application to the Tribunal to state a case for determination by the Court of Appeal under paragraph 3 of Schedule 7 to the Act shall be made by notice in writing to the Tribunal.

(2) The clerk shall, as soon as may be after being served with a notice under paragraph (1) above, serve a copy thereof on every other party concerned.

(3) The Tribunal shall, as soon as may be practicable, consider the application and notify its decision thereon to the applicant and every other such party, and where it refuses to state a case shall include in its decision its reasons for such refusal.

GENERAL PROVISIONS

Want of prosecution

19. The Tribunal may, either of its own motion or on an application made in that behalf, dismiss any proceedings for want of prosecution.

Withdrawal of application

20. An applicant may withdraw his application by notice in writing served upon the clerk and accompanied by the written consent of every other party to the application.

Service of documents

21.—(1) Any notice or other document required by these Rules to be served on the Tribunal may be sent by prepaid post to the clerk at the office.

(2) If it shall appear to the Tribunal that for any reason service on any person cannot readily be effected in the manner authorised by the Act or these Rules the Tribunal may direct that service on that person may be dispensed with or effected in such manner as the Tribunal may direct.

(3) Any party to proceedings may at any time change his address for service by notice in writing served on the Tribunal, and in that event the clerk shall notify every other party of the change.

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Time limitations

22. Except by leave of the Tribunal and subject to the provisions of these Rules, no further step in any proceedings before the Tribunal shall be taken until the expiration of the time limited for service of an answer or of such extension of that time as the Tribunal may allow.

Other matters

23. Subject to the provisions of the Act and of these Rules, the Tribunal may regulate its own procedure.

Dated 15th June 1977

Elwyn-Jones, C

SCHEDULE

Rule 4

FORMS

Form 1 Originating Application

Form 2 Notice of application for Interlocutory Directions

EXPLANATORY NOTE

These Rules regulate the procedure in, or in connection with, any proceedings before the Arbitration Tribunal established by the Aircraft and Shipbuilding Industries Act 1977, other than proceedings which are to be treated as Scottish proceedings.