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 **[**[F1](1)**]** A tribunal shall, as the Lord Chancellor may**[**[F2] , after consulting the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, **]** 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

[[F3](i) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or**]**

[[F4](ii) a member of the Bar of Northern Ireland or **[**[F5]solicitor of the Court of Judicature of Northern**]** of at least **[**[F6]5 **]**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.

[[F7](2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

Textual Amendments

F1 Sch. 3 para. 4(1): Sch. 3 para. 4 renumbered as Sch. 3 para. 4(1) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(2)(a)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F2 Words in Sch. 3 para. 4(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(2)(b)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F3 Sch. 3 para. 4(1)(a)(i) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 10 para. 12(2)**; S.I. 2008/1653, art. 2(d) (with arts. 34)

F4 Sch. 3 para. 4(*a*)(i)(ii) substituted for words by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 39**

F5 Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, art. 2(d)

F6 Word in Sch. 3 para. 4(1)(a)(ii) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 10 para. 12(3)**; S.I. 2008/1653, art. 2(d) (with arts. 34)

F7 Sch. 3 para. 4(2)-(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(2)(c)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

5 In its application to proceedings which, by virtue of paragraph 18 below, are to be treated as Scottish proceedings,**[**[F8]paragraph 4(1)**]** 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".

Textual Amendments

F8 Words in Sch. 3 para. 5 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

6 **[**[F9](1)**]** **[**[F10]Subject, in the case of the president of a tribunal, to sub-paragraph (2) below**]**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

(c) if any member **[**[F11]is the subject of a bankruptcy restrictions order **[**[F12]or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986**]]** or, in Scotland, if sequestration of a member's estate is awarded [F13]..., his office shall thereupon become vacant.

[[F14](2) No appointment of a person to be the president of a tribunal shall be such as to extend beyond the day on which he attains the age of [[F15]75].]

Textual Amendments

F9 Sch. 3 para. 6 numbered as sub-paragraph (1) of that paragraph (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 52(1)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.

F10 Words in Sch. 3 para. 6(1) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 52(2)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.

F11 Words in Sch. 3 para. 6(1)(c) substituted (29.6.2006) by Enterprise Act 2002 (Disqualification from Office: General) Order 2006 (S.I. 2006/1722), art. 1(1), **Sch. 2 para. 1(a)**

F12 Words in Sch. 3 para. 6(1)(c) substituted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 9** (with arts. 5, 6)

F13 Words in Sch. 3 para. 6(1)(c) omitted (29.6.2006) by virtue of Enterprise Act 2002 (Disqualification from Office: General) Order 2006 (S.I. 2006/1722), art. 1(1), **Sch. 2 para. 1(b)**

F14 Sch. 3 para. 6(2) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 52(2)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.

F15 Word in Sch. 3 para. 6(2) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 13** (with Sch. 1 para. 43)

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 [[F16]paragraph 4(1)] 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.

Textual Amendments

F16 Words in Sch. 3 para. 8(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(4)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

[[F17]8A Where the appointor is, by virtue of paragraph 8(a), the Lord Chancellor, the power conferred by paragraph 6(1)(b) may be exercised only with the concurrence of the appropriate senior judge.

Textual Amendments

F17 Sch. 3 para. 8A, 8B inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(5)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

8B The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the member to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.]

Textual Amendments

F17 Sch. 3 para. 8A, 8B inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(5)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

9 In Part II of Schedule 1 to the [M1]House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the [M2]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".

Modifications etc. (not altering text)

C1 The text of ss. 23–26, 39(3), Sch. 1 para. 11, Sch. 3 paras. 9, 10 and Schedule 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1975 c.24

M2 1975 c.25

[F18]10 . . . . . .

Textual Amendments

F18 Sch. 3 para. 10 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 PartI**

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 **[**[F19]the Treasury**]**, 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 **[**[F19]the Treasury**]**, determine.

(3) The Secretary of State shall pay 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.

Textual Amendments

F19 Words substituted by virtue of S.I. 1981/1670, **arts. 2(1)**(*d*)(2), 3(5)

Changes to legislation:
There are currently no known outstanding effects for the Industry Act 1975, Part I.