

Status: Point in time view as at 31/03/1995.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Cross Heading: Appointment and remuneration of arbitrator. (See end of Document for details)

SCHEDULES

SCHEDULE 11

ARBITRATIONS

Appointment and remuneration of arbitrator

- 1 (1) The arbitrator shall be a person appointed by agreement between the parties or, in default of agreement, a person appointed on the application of either of the parties by the President of the Royal Institution of Chartered Surveyors (referred to in this Schedule as “the President”) from among the members of the panel constituted for the purposes of this paragraph.
- (2) No application may be made to the President for an arbitrator to be appointed by him under this paragraph unless the application is accompanied by such fee as may be prescribed as the fee for such an application; but once the fee has been paid in connection with any such application no further fee shall be payable in connection with any subsequent application for the President to exercise any function exercisable by him in relation to the arbitration by virtue of this Schedule (including an application for the appointment by him in an appropriate case of a new arbitrator).
- (3) Any such appointment by the President shall be made by him as soon as possible after receiving the application; but where the application is referable to a demand for arbitration made under section 12 of this Act any such appointment shall in any event not be made by him earlier than four months before the next termination date following the date of the demand (as defined by subsection (4) of that section).
- (4) A person appointed by the President as arbitrator shall, where the arbitration relates to an agricultural holding in Wales, be a person who possesses a knowledge of Welsh agricultural conditions, and, if either party to the arbitration so requires, a knowledge also of the Welsh language.
- (5) For the purposes of this Schedule there shall be constituted a panel consisting of such number of persons as the Lord Chancellor may determine, to be appointed by him.
- [^{F1}(6) A member of the panel constituted for the purposes of this Schedule shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

Textual Amendments

F1 Sch. 11 para. 1(6) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6**, para.45; S.I. 1995/631, **art. 2**.

Modifications etc. (not altering text)

C1 Sch. 11 para. 1(1) amended (1.3.1996) by S.I. 1996/337, **art. 2(b)**.

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- 2 If the arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.
- 3 In relation to an arbitrator who is appointed in place of another arbitrator (whether under paragraph 2 above or otherwise) the reference in section 12(2) of this Act to the date of the reference shall be construed as a reference to the date when the original arbitrator was appointed.
- 4 Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party; and his appointment shall not be revoked by the death of either party.
- 5 Every appointment, application, notice, revocation and consent under the foregoing paragraphs must be in writing.
- 6 The remuneration of the arbitrator shall be—
- (a) where he is appointed by agreement between the parties, such amount as may be agreed upon by him and the parties or, in default of agreement, fixed by the registrar of the county court (subject to an appeal to the judge of the court) on an application made by the arbitrator or either of the parties,
 - (b) where he is appointed by the President, such amount as may be agreed upon by the arbitrator and the parties or, in default of agreement, fixed by the President,
- and shall be recoverable by the arbitrator as a debt due from either of the parties to the arbitration.

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