

SCHEDULES

SCHEDULE 30

ARBITRATION BETWEEN RAILWAY OPERATORS

Directions as to results to be achieved

- 1 (1) This paragraph applies where a difference is referred under section 43(3) to arbitration.
- (2) The parties must notify the Secretary of State of the referral without delay after the commencement of the arbitral proceedings.
- (3) The Secretary of State may, on request or otherwise, direct the arbitrator as to results that are to be achieved by the agreement for which terms are to be determined by the arbitration.
- (4) A direction under this paragraph may be made even though the making of the direction affects the outcome of proceedings to which the Secretary of State, or a body in which the Secretary of State has an interest, is a party.
- (5) A request for a direction under this paragraph may be made by the arbitrator (as well as by a party).
- (6) For the purpose of determining whether or not the arbitrator has to comply with a direction under this paragraph, the rule is that the arbitrator must comply with the direction in determining terms of the agreement if the direction—
 - (a) is relevant to the determination of those terms, and
 - (b) is given to the arbitrator before the award determining those terms is made.
- (7) For the purpose of determining what the arbitrator has to do to comply with a direction under this paragraph, the rule is that the arbitrator must carry out the function of determining terms of the agreement so as to secure, so far as is reasonably practicable, that the results concerned are achieved by the agreement.