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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Directions as to consolidation and grouping of proceedings. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 29

#### ARBITRATION BETWEEN RAILWAY OPERATORS

##### *Directions as to consolidation and grouping of proceedings*

- 2 (1) The Secretary of State may, on request or otherwise, direct—
- (a) that a group of proceedings is to be consolidated, or
  - (b) that concurrent hearings are to be held in a group of proceedings.
- (2) In sub-paragraph (1) “group of proceedings” means a group consisting of—
- (a) section 38(3) proceedings, and
  - (b) any one or more of the following—
    - (i) other section 38(3) proceedings,
    - (ii) arbitral proceedings related to the proceedings mentioned in paragraph (a), and
    - (iii) arbitral proceedings related to section 38(3) proceedings that are to be consolidated with the proceedings mentioned in paragraph (a).
- (3) A request for a direction under this paragraph may be made by the arbitrator or any of the arbitrators (as well as by a party).
- (4) A direction under this paragraph must specify the terms on which the proceedings are to be consolidated or on which concurrent hearings are to be held.
- (5) Where a direction under this paragraph provides for the consolidation of proceedings that do not all have the same arbitrator, the terms that may be specified in the direction include (in particular)—
- (a) terms specifying the person who is to be the arbitrator in the consolidated proceedings;
  - (b) terms under which that person is to be determined.
- (6) For the purposes of this paragraph—
- (a) “section 38(3) proceedings” means proceedings on arbitration of a difference referred under section 38(3), and
  - (b) arbitral proceedings are “related” to section 38(3) proceedings if—
    - (i) the arbitral proceedings are not section 38(3) proceedings,
    - (ii) at least one of the parties to the arbitral proceedings is also a party to the section 38(3) proceedings, and
    - (iii) the Secretary of State considers that the subject-matter of the arbitral proceedings is connected with the subject-matter of the section 38(3) proceedings.

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