

SCHEDULES

FIRST SCHEDULE

Section 7.

PROCEDURE IN RELATION TO SUSPENSION AND REVOCAION OF AUTHORITIES TO WIRELESS PERSONNEL

- 1 The Postmaster General shall, on suspending the authority, serve on the person to whom it was issued a notice informing him of the suspension, of the grounds thereof and of his rights under the subsequent provisions of this Schedule, and further informing him that if he does not avail himself of those rights the Postmaster General may revoke the authority:

Provided that where it appears to the Postmaster General that it is not reasonably practicable to serve the notice on the said person, the Postmaster General, in lieu of serving the notice on him, shall take such steps, by advertisement or otherwise, to bring the notice to his knowledge as appear to the Postmaster General to be reasonable in the circumstances.

- 2 (1) If, within such time and in such manner as may be specified in the notice, the person to whom the authority was issued requests that the question whether the authority should be revoked or the suspension thereof continued or terminated should be referred to an advisory committee, the Postmaster General, unless he terminates the suspension, shall refer that question to an advisory committee accordingly.
- (2) Every such advisory committee shall consist of three persons appointed by the Postmaster General, of whom one shall be an independent chairman selected by the Postmaster General and two shall be persons nominated respectively by such body or bodies representing employers of wireless operators and such association or associations representing wireless operators as seem to the Postmaster General to be appropriate for the purpose.
- (3) Where a question is referred to an advisory committee under this paragraph, the committee shall inquire into the matter, shall consider any representations made by the person to whom the authority was issued, and shall then make a report, to the Postmaster General stating the facts as found by them and the action which, in their opinion, ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof, and the Postmaster General shall consider the report.
- (4) After considering the report of the advisory committee or, as the case may be, on the expiration of the time referred to in sub-paragraph (1) of this paragraph without the person to whom the authority was issued having required in the manner therein referred to that the question should be referred to an advisory committee, the Postmaster General shall, as he thinks fit, either revoke the authority, or terminate the suspension thereof, or continue the suspension thereof for such period as he thinks fit.
- (5) Where the Postmaster General revokes the authority or continues the suspension thereof, he shall, if requested so to do by the person to whom the authority was issued, inform him of the opinion which the advisory committee expressed as to the action

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which ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof.

- 3 Any expenses incurred by an advisory committee under this Schedule, to such extent as may be determined by the Postmaster General with the consent of the Treasury including such sums in respect of the expenses of the members of the committee as may be so determined, shall be paid out of moneys provided by Parliament.

SECOND SCHEDULE

Section 9.

PROVISIONS AS TO THE APPEAL TRIBUNAL

- 1 (1) Subject to the provisions of this paragraph, the members of the appeal tribunal, other than any members appointed to act for a particular case, shall hold office for such period as may be determined at the time of their respective appointments.
- (2) Any member of the tribunal may at any time by notice in writing to the Lord Chancellor resign his appointment.
- (3) If a member of the tribunal becomes a member of the advisory committee, his office shall thereupon become vacant.
- (4) The Lord Chancellor may declare the office of any member of the tribunal vacant on the ground of incapacity to perform the duties thereof, or on the ground of misconduct.
- (5) If any member of the tribunal becomes bankrupt or makes an arrangement with his creditors, his office shall thereupon become vacant.
- (6) In the application of the preceding provisions of this paragraph to members appointed by the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland or the Secretary of State, references to the-Lord President, Lord Chief Justice or Secretary of State, as the case may be, shall be substituted for the references to the Lord Chancellor.
- 2 If any member of the tribunal is, by reason of illness, absence or other reasonable cause, for the time being unable to perform the duties of his office, either generally or in relation to any particular proceedings, the Lord Chancellor, the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland, or the President of the Institution of Electrical Engineers acting with the approval of the Council thereof, as the case may be, shall appoint some other duly qualified person to discharge the duties of that member for any period not exceeding six months at one time, or, as the case may be, in relation to those proceedings, and the person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.
- 3 (1) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—
- (a) the administration of oaths and the taking of affirmations; and
 - (b) the correction in awards of mistakes and errors; and
 - (c) the summoning, attendance and examination of witnesses and the production of documents; and
 - (d) the costs of the reference and award,

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shall, with any necessary modifications, apply in respect of any proceedings in England and Wales before the appeal tribunal, but save as aforesaid the said Acts shall not apply to any proceedings before the appeal tribunal.

- (2) The appeal tribunal shall, as respects proceedings in Scotland, have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the tribunal were an arbiter under a submission.
- (3) Sub-paragraph (1) of this paragraph shall apply in relation to proceedings in Northern Ireland as it applies in relation to proceedings in England and Wales, with the substitution of references to the Arbitration Act (Northern Ireland) 1937, for the references to the Arbitration Acts, 1889 to 1934.

4 The power of the tribunal to award costs or expenses shall include power to order a sum to be paid to the Postmaster General in respect of the expenses of the tribunal:

Provided that an order under this paragraph shall only be made where, in the opinion of the tribunal, the person against whom the order is made was acting frivolously or vexatiously in requiring the matter in question to be referred to the tribunal or, as the case may be, in making or resisting the application before the tribunal.

5 The assessors shall give their opinions to the president on all matters of a technical nature and shall take such further part in the proceedings of the tribunal as he may direct, but the decision of the president or, in a case where additional members have been appointed, the decision of all, or, in the event of a difference of opinion, of the majority of, the members of the tribunal other than the assessors, shall, on all questions, be the decision of the tribunal.

6 Subject to the provisions of this Schedule and of Part II of this Act, the procedure in or in connection with any proceedings before the tribunal shall be such as may be determined by rules to be made by the tribunal with the approval of the Lord Chancellor as respects proceedings in England and Wales, of the Lord President of the Court of Session as respects proceedings in Scotland and of the Lord Chief Justice of Northern Ireland as respects proceedings in Northern Ireland.

7 Without prejudice to any method available by law for the proof of orders of the tribunal, a document purporting to be a copy of any such order and to be certified by the president of the tribunal to be a true copy thereof shall, in any legal proceedings, be sufficient evidence of the order until the contrary is proved.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Post Office Act, 1908	8 Edw. 7. c. 48.