



Employment Relations Act 1999

1999 CHAPTER 26

CAC, ACAS, Commissioners and Certification Officer

25 CAC: proceedings

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 shall be amended as follows.
- (2) In section 263 (proceedings of the Committee) this subsection shall be inserted after subsection (6)—
 - “(7) In relation to the discharge of the Committee’s functions under Schedule A1—
 - (a) section 263A and subsection (6) above shall apply, and
 - (b) subsections (1) to (5) above shall not apply.”
- (3) This section shall be inserted after section 263—

“263A Proceedings of the Committee under Schedule A1

- (1) For the purpose of discharging its functions under Schedule A1 in any particular case, the Central Arbitration Committee shall consist of a panel established under this section.
- (2) The chairman of the Committee shall establish a panel or panels, and a panel shall consist of these three persons appointed by him—
 - (a) the chairman or a deputy chairman of the Committee, who shall be chairman of the panel;
 - (b) a member of the Committee whose experience is as a representative of employers;
 - (c) a member of the Committee whose experience is as a representative of workers.
- (3) The chairman of the Committee shall decide which panel is to deal with a particular case.

Status: This is the original version (as it was originally enacted).

- (4) A panel may at the discretion of its chairman sit in private where it appears expedient to do so.
 - (5) If—
 - (a) a panel cannot reach a unanimous decision on a question arising before it, and
 - (b) a majority of the panel have the same opinion, the question shall be decided according to that opinion.
 - (6) If—
 - (a) a panel cannot reach a unanimous decision on a question arising before it, and
 - (b) a majority of the panel do not have the same opinion, the chairman of the panel shall decide the question acting with the full powers of an umpire or, in Scotland, an oversman.
 - (7) Subject to the above provisions, a panel shall determine its own procedure.”
- (4) In section 264 (awards of the Committee)—
- (a) in subsection (1) after “award” there shall be inserted “, or in any decision or declaration of the Committee under Schedule A1,”;
 - (b) in subsection (2) after “of the Committee,” there shall be inserted “or of a decision or declaration of the Committee under Schedule A1,”.