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*Status: Point in time view as at 01/07/1992.*

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## SCHEDULES

### SCHEDULE 1

#### ADVISORY, CONCILIATION AND ARBITRATION SERVICE, ETC.

##### PART II

##### CENTRAL ARBITRATION COMMITTEE

###### *Constitution*

- 14 (1) The Committee shall consist of a chairman appointed by the Secretary of State after consultation with the Service and other members appointed by the Secretary of State in accordance with sub-paragraph (2) below.
- (2) The members of the Committee (apart from the chairman) shall be appointed by the Secretary of State from persons nominated by the Service as experienced in industrial relations and shall include some persons whose experience is as representatives of employers and some persons whose experience is as representatives of workers.
- (3) The Secretary of State may, after consultation with the Service, appoint one or more deputy chairmen of the Committee in addition to the existing members of the Committee.
- 15 (1) Subject to the following provisions of this paragraph, the members, chairman and any deputy chairman of the Committee shall hold and vacate office in accordance with their terms of appointment.
- (2) A person shall not be appointed to the Committee for a term exceeding five years; but previous membership shall not affect eligibility for re-appointment.
- (3) The Secretary of State may, with the consent of the member concerned, vary the terms of appointment of any member of the Committee so as to provide for him to serve as a full-time member instead of a part-time member or, as the case may be, as a part-time member instead of as a full-time member.
- (4) A member may at any time resign his membership, and the chairman and any deputy chairman may at any time resign his office as such, by, in each case, notice in writing addressed to the Secretary of State.
- (5) If the Secretary of State is satisfied that a member—
- (a) has become bankrupt or made an arrangement with his creditors; or
  - (b) is incapacitated by physical or mental illness; or
  - (c) is otherwise unable or unfit to discharge the functions of a member,

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the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit; and thereupon the office shall become vacant.

- (6) In the application of sub-paragraph (5) above to Scotland for the references in paragraph (a) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to a member's estate having been sequestrated and to a member's having made a trust deed for behoof of his creditors or a composition contract.
- (7) If the chairman ceases to be a member of the Committee, or if a deputy chairman ceases to be a member of the Committee, he shall cease to be chairman or, as the case may be, a deputy chairman.
- 16 (1) At any time when the chairman of the Committee is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman, and the Committee has a deputy chairman or deputy chairmen—
- (a) the deputy chairman, if there is only one; or
  - (b) if there is more than one deputy chairman, such one of them as they may agree or, in default of agreement, as the Secretary of State may direct,
- may perform any of the functions of the chairman of the Committee.
- (2) At any time when every person who is chairman or deputy chairman of the Committee is absent or otherwise incapable of acting, or there is no such person, such member of the Committee as the Secretary of State may direct, may perform any of the functions of the chairman of the Committee.

### *Proceedings*

- 17 (1) For the purpose of discharging any of its functions under this or any other enactment, the Committee shall, subject to sub-paragraph (2) below, consist of the chairman and such other members as the chairman may direct.
- (2) The Committee may sit in two or more divisions constituted of such members as the chairman may direct, and in a division in which the chairman does not sit the functions of the chairman shall be performed by a deputy chairman.
- (3) The Committee may, at the discretion of the chairman, where it appears expedient to do so, call in the aid of one or more assessors, and may settle the matter wholly or partly with their assistance.
- 18 The Committee may at the discretion of the chairman sit in private where it appears expedient to do so.
- 19 If in any case the Committee cannot reach a unanimous decision on its award the chairman shall decide the matter acting with the full powers of an umpire, or, in Scotland, an oversman.

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20 Subject to paragraphs 17 to 19 above, the Committee shall determine its own procedure.

21 The validity of any proceedings of the Committee shall not be affected by any vacancy among the members of the Committee or by any defect in the appointment of any member of the Committee.

#### *Awards*

22 The Committee may correct in any award any clerical mistake or error arising from an accidental slip or omission.

23 (1) If any question arises as to the interpretation of an award of the Committee, any party to the award may apply to the Committee for a decision on that question.

(2) The Committee shall decide the question after hearing the parties or, if the parties consent, without a hearing, and shall notify the parties of the decision.

24 Decisions of the Committee in the exercise of any of its functions conferred by any enactment shall be published.

#### *Supplemental*

25 For the purpose of assisting the Service in the discharge of its duty under paragraph 13(1) above, the Committee shall, as soon as practicable after the end of each calendar year, transmit to the Service an account of its activities during that year.

26 Part I of the <sup>M1</sup>Arbitration Act 1950 shall not apply to any proceedings of the Committee.

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**Marginal Citations**

**M1** 1950 c. 27.

27 The functions of the Committee shall be performed on behalf of the Crown, but the Committee shall not be subject to directions of any kind from any Minister of the Crown as to the manner in which it is to exercise any of its functions under any enactment.

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