



Aircraft and Shipbuilding Industries Act 1977

1977 CHAPTER 3

PART III

MISCELLANEOUS AND GENERAL

Arbitration and the Arbitration Tribunal

42 The arbitration tribunal

- (1) For the purpose of determining—
 - (a) any question or dispute which, under any provision of this Act, is expressly required to be determined by or is referred to “arbitration under this Act”, or
 - (b) any matter in respect of which jurisdiction is given to the arbitration tribunal under this Act,there shall be established a tribunal called the Aircraft and Shipbuilding Industries Arbitration Tribunal (in this Act referred to as “the arbitration tribunal”).
- (2) The arbitration tribunal shall be a court of record and shall have an official seal which shall be judicially noticed.
- (3) The arbitration tribunal shall, as the Lord Chancellor may direct, either sit as a single tribunal or sit in two or more divisions and, subject to subsection (4) below, shall, for the hearing of any proceedings, consist of—
 - (a) a president who shall be a barrister or solicitor of not less than 7 years' standing appointed by the Lord Chancellor, and
 - (b) two other members appointed by the Secretary of State, after consultation with all the stockholders' representatives, one being a person of experience in business and the other being a person of experience in finance.

Status: This is the original version (as it was originally enacted).

- (4) In its application to proceedings which, by virtue of this Act, are to be treated as Scottish proceedings, subsection (3) above shall have effect with the substitution, for paragraph (a) thereof, of the following paragraph:—
- “(a) a president who shall be an advocate or solicitor of not less than 7 years' standing who has practised in Scotland and who shall be appointed by the Lord President of the Court of Session”.
- (5) The members of the arbitration tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for re-appointment but, notwithstanding that the period for which a member was appointed has not expired,—
- (a) a member may, at any time by not less than one month's notice in writing to his appointor, resign his office;
- (b) the appointor of a member may declare the office of that member vacant on the ground that he is unfit to continue in his office; and
- (c) if any member becomes bankrupt or makes a composition with his creditor or, in Scotland, if a sequestration of a member's estate is awarded or a member makes a trust deed for behoof of his creditors or a composition contract, his office shall thereupon become vacant
- (6) If any member of the arbitration tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, his appointor shall appoint some other fit person to discharge his duties for any period not exceeding 6 months at one time, and the person so appointed shall during that period have the same powers as the person in whose place he was appointed.
- (7) The provisions of Schedule 7 to this Act shall have effect with respect to the proceedings of the arbitration tribunal and matters relating thereto.
- (8) In this section “appointor”, in relation to a member of the arbitration tribunal, means—
- (a) in the case of a member appointed under paragraph (a) of subsection (3) above, the Lord Chancellor or, if subsection (4) above applies, the Lord President of the Court of Session ; and
- (b) in the case of any other member, the Secretary of State.
- (9) In the House of Commons Disqualification Act 1975 and in the Northern Ireland Assembly Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified), there shall be inserted at the appropriate point the words—
- “The Aircraft and Shipbuilding Industries Arbitration Tribunal”.
- (10) In Part I of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of Council on Tribunals) after the entry the first column of which reads “Agriculture” there shall be inserted the following entry:—

“Aircraft and shipbuilding industries.

1A The Aircraft and Shipbuilding Industries Arbitration Tribunal established under section 42 of the Aircraft and Shipbuilding Industries Act 1977.”.

43 Scottish proceedings

- (1) Where any such question, dispute or matter as is referred to in section 42(1) above arises out of or in connection with the vesting of the securities or of any property,

rights or liabilities of any company or in connection with the recovery of assets of any company or in connection with any transactions of any company and either—

- (a) the company's principal United Kingdom place of business, or
- (b) the place of the company's principal United Kingdom works,

is situated in Scotland, then, subject to subsection (3) below, the proceedings before the tribunal in respect of the question, dispute or matter shall be treated as Scottish proceedings.

- (2) If, at any stage in any proceedings before the arbitration tribunal which would not otherwise fall to be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of Scottish law arise, or for any other reason, the proceedings ought thereafter to be treated as Scottish proceedings, the tribunal may order that they shall thereafter be so treated and the provisions of this Act shall have effect accordingly.
- (3) If, at any stage in any proceedings before the arbitration tribunal which would otherwise be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of English law arise or for any other reason, the proceedings ought not to be treated as Scottish proceedings, they may make an order that the proceedings shall thereafter not be treated as Scottish proceedings and the provisions of this Act shall have effect accordingly.

44 Staff and expenses of arbitration tribunal

- (1) The arbitration tribunal may appoint such staff as they consider necessary for assisting them in the proper execution of their duties.
- (2) There shall be paid to the members of the arbitration tribunal such remuneration (whether by way of salaries or fees) and such allowances as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.
- (3) There shall be paid to any staff appointed under subsection (1) above and any person to whom proceedings are referred by the arbitration tribunal under paragraph 13 of Schedule 7 to this Act for inquiry and report such remuneration (whether by way of salary or fees) and such allowances as the arbitration tribunal may determine.
- (4) Any such remuneration and allowances as are referred to above and any other expenses of the arbitration tribunal shall be defrayed in the first instance by the Secretary of State out of money provided by Parliament, but the amounts from time to time so paid by the Secretary of State shall be repaid to him on demand by such one of the Corporations as he may determine or, where he considers it appropriate in the case of any amount, by the two Corporations in such proportions as he may determine.
- (5) Any sums repaid to the Secretary of State under subsection (4) above shall be paid into the Consolidated Fund.