

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Aircraft and Shipbuilding Industries Act 1977 (repealed), SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 42.

PROCEDURE ETC. OF ARBITRATION TRIBUNAL

PART I

PROCEEDINGS OTHER THAN SCOTTISH PROCEEDINGS

- 1 The provisions of this Part of this Schedule shall have effect with respect to proceedings of the arbitration tribunal other than those which, by virtue of this Act, are to be treated as Scottish proceedings, and references in the following provisions of this Part of this Schedule to proceedings shall be construed accordingly.
- 2 The provisions of [^{F1}Part I of the Arbitration Act 1996] with respect to—
- (a) the administration of oaths and the taking of affirmations,
 - (b) the correction in awards of mistakes and errors,
 - (c) the summoning, attendance and examination of witnesses and the production of documents, and
 - (d) the costs of the reference and award,
- shall, with any necessary modifications, apply in respect of proceedings before the arbitration tribunal but, except as provided by this paragraph, the provisions of [^{F2}that Part] shall not apply to any such proceedings.

Textual Amendments

- F1** Words in [Sch. 7 para. 2](#) substituted (31.1.1997 subject to transitional provisions) by [1996 c. 23, s. 107\(1\)](#), [Sch. 3 para. 32\(a\)](#); [S.I. 1996/3146, arts. 3, 4](#), [Sch. 2](#).
- F2** Words in [Sch. 7 para. 2](#) substituted (31.1.1997 subject to transitional provisions) by [1996 c. 23, s. 107\(1\)](#), [Sch. 3 para. 32\(b\)](#); [S.I. 1996/3146, arts. 3, 4](#), [Sch. 2](#).

- 3 The arbitration tribunal may, and if so ordered by the Court of Appeal shall, state in the form of a special case for determination by the Court of Appeal any question of law which may arise before them.
- 4 An appeal shall lie to the Court of Appeal on any question of law or fact from any determination or order of the arbitration tribunal with respect to a claim by either Corporation—
- (a) against the directors of a company to enforce a liability arising under section 23 of this Act, or
 - (b) for compensation for loss arising from any transaction referred to the tribunal under any of sections 28, 30 and 31 of this Act.
- 5 (1) Subject to the provisions of this Schedule, the procedure in or in connection with any proceedings before the arbitration tribunal shall be such as may be determined by rules made by the Lord Chancellor by statutory instrument.

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- (2) A statutory instrument containing rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART II

SCOTTISH PROCEEDINGS

- 6 The provisions of this Part of this Schedule shall have effect with respect to proceedings of the arbitration tribunal which, by virtue of this Act, are to be treated as Scottish proceedings, and references in the following provisions of this Part of this Schedule to proceedings shall be construed accordingly.
- 7 The arbitration tribunal shall 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 arbitration tribunal were an arbiter under a submission.
- 8 The arbitration tribunal may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings.
- 9 (1) An appeal shall lie to the Court of Session on any question of law or fact from any determination or order of the arbitration tribunal with respect to a claim by either Corporation—
- (a) against the directors of a company to enforce a liability arising under section 23 of this Act, or
 - (b) for compensation for loss arising from any transaction referred to the tribunal under any of sections 28, 30 and 31 of this Act.
- (2) An appeal shall lie, with the leave of the Court of Session or of the [F3 Supreme Court], from any decision of the Court of Session under this paragraph, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the [F3 Supreme Court] may determine.

Textual Amendments

- F3** Words in [Sch. 7 para. 9\(2\)](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 29](#); [S.I. 2009/1604, art. 2\(d\)](#)

- 10 (1) Subject to the provisions of this Schedule, the procedure in or in connection with any proceedings before the arbitration tribunal shall be such as may be determined by rules made by the Lord Advocate by statutory instrument.
- (2) A statutory instrument containing rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C1** [Sch. 7 para. 10](#): functions of the Lord Advocate transferred to the Secretary of State and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678, arts. 2\(1\), 3, Sch.](#) (with [art. 7](#))
[Sch. 7 para. 10](#) transfer of functions (S) (1.7.1999) by [S.I. 1999/1750, art. 2, Sch. 1](#)

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- 11 Unless the arbitration tribunal consider that there are special reasons for not doing so, they shall sit in Scotland for the hearing and determination of any proceedings which, by virtue of this Act, are to be treated as Scottish proceedings.

PART III

ALL PROCEEDINGS

- 12 Every order of the arbitration tribunal—
- (a) shall be enforceable in England and Wales and Northern Ireland as if it were an order of the High Court; and
 - (b) may be recorded for execution in the books of Council and Session and may be enforced accordingly.
- 13 The arbitration tribunal may, at any stage in any proceedings before them, refer to a person or persons appointed by them for the purpose any question arising in the proceedings, other than a question which in their opinion is primarily one of law, for inquiry and report, and the report of any such person or persons may be adopted wholly or partly by the tribunal and, if so adopted, may be incorporated in an order of the tribunal.

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