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Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VI

ADMINISTRATIVE PROVISIONS

Central Arbitration Committee

259 The Central Arbitration Committee.

- (1) There shall continue to be a body called the Central Arbitration Committee.
- (2) The functions of the Committee shall be performed on behalf of the Crown, but not so as to make it subject to directions of any kind from any Minister of the Crown as to the manner in which it is to exercise its functions.
- (3) ACAS shall provide for the Committee the requisite staff (from among the officers and servants of ACAS) and the requisite accommodation, equipment and other facilities.

260 The members of the Committee.

- ^{F1}(1) The Central Arbitration Committee shall consist of members appointed by the Secretary of State.
- ^{F1}(2) The Secretary of State shall appoint a member as chairman, and may appoint a member as deputy chairman or members as deputy chairmen.
- ^{F1}(3) The Secretary of State may appoint as members only persons experienced in industrial relations, and they shall include some persons whose experience is as representatives of employers and some whose experience is as representatives of workers.
- ^{F1}(3A) Before making an appointment under subsection (1) or (2) the Secretary of State shall consult ACAS and may consult other persons.]

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- (4) 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, such of the deputy chairmen as they may agree or in default of agreement as the Secretary of State may direct,
- may perform any of the functions of chairman of the Committee.
- (5) At any time when every person who is chairman or deputy chairman 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.
- (6) 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 a member of the Committee.

Textual Amendments

F1 S. 260(1)-(3A) substituted for s. 260(1)-(3) (22.2.2000) by 1999 c. 26, s. 24; S.I. 2000/420, art. 2 (with art. 3)

261 Terms of appointment of members of Committee.

- (1) The members of the Central Arbitration Committee shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (2) A person shall not be appointed to the Committee for a term exceeding five years, but previous membership does not affect eligibility for re-appointment.
- (3) The Secretary of State may, with the consent of the member concerned, vary the terms of his appointment as to whether he is a full-time or part-time member.
- (4) A member may at any time resign his membership, and the chairman or a deputy chairman may at any time resign his office as such, by notice in writing 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, in Scotland, has had his estate sequestrated or has made a trust deed for his creditors or has made and had accepted a composition contract), or
 - (b) is incapacitated by physical or mental illness, or
 - (c) is otherwise unable or unfit to discharge the functions of a member,
 the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as he thinks fit, whereupon the office shall become vacant.
- (6) If the chairman or a deputy chairman ceases to be a member of the Committee, he shall also cease to be chairman or, as the case may be, a deputy chairman.

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262 Remuneration, &c. of members of Committee.

- (1) ACAS shall pay to the members of the Central Arbitration Committee such remuneration and travelling and other allowances as may be determined by the Secretary of State.
- (2) The Secretary of State may pay, or make provision for payment, to or in respect of a member of the Committee such pension, allowance or gratuity on death or retirement as he may determine.
- (3) Where a person ceases to be the holder of the Committee otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, he may make him a payment of such amount he may determine.
- (4) The approval of the Treasury is required for any determination by the Secretary of State under this section.

263 Proceedings of the Committee.

- (1) For the purpose of discharging its functions in any particular case the Central Arbitration Committee shall consist of the chairman and such other members as the chairman may direct:

Provided that, it 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.

- (2) 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.
- (3) The Committee may at the discretion of the chairman sit in private where it appears expedient to do so.
- (4) 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.
- (5) Subject to the above provisions, the Committee shall determine its own procedure.
- (6) [^{F2}Part I of the Arbitration Act 1996] (general provisions as to arbitration) and section 3 of the ^{M1}Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) do not apply to proceedings before the Committee.

[^{F3}(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.]

Textual Amendments

F2 Words in s. 263(6) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 56** (with s. 81(2)); S.I. 1996/3146, **art. 3**

F3 S. 263(7) inserted (6.6.2000) by 1999 c. 26, s. 25(1)(2); S.I. 2000/1338, **art. 2**

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Marginal Citations

M1 1972 c. 59.

[^{F4}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.
- (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.

[The reference in subsection (1) to the Committee’s functions under Schedule A1 does ^{F5}(8) not include a reference to its functions under paragraph 166 of that Schedule.]]

Textual Amendments

- F4** S. 263A inserted (6.6.2000) by 1999 c. 26, ss. 25(1)(3); S.I. 2000/1338, art. 2(d)
- F5** S. 263A(8) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), Sch. 1 para. 15; S.I. 2005/872, art. 4, Sch. (with arts. 6-21)

264 Awards of the Committee.

- (1) The Central Arbitration Committee may correct in any award [^{F6}, or in any decision or declaration of the Committee under Schedule A1,] any clerical mistake or error arising from an accidental slip or omission.

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- (2) If a question arises as to the interpretation of an award of the Committee [^{F7}or of a decision or declaration of the Committee under Schedule A1,], any party may apply to the Committee for a decision; and the Committee shall decide the question after hearing the parties or, if the parties consent, without a hearing, and shall notify the parties.
- (3) Decisions of the Committee in the exercise of any of its functions shall be published.

Textual Amendments

- F6** Words in s. 264(1) inserted (6.6.2000) by 1999 c. 26, s. 25(1)(4)(a); S.I. 2000/1338, art. 2(d)
- F7** Words in s. 264(2) inserted (6.6.2000) by 1999 c. 26, s. 25(1)(4)(b); S.I. 2000/1338, art. 2(d)

265 Annual report and accounts.

- (1) ACAS shall, as soon as practicable after the end of each [^{F8}financial year], make a report to the Secretary of State on the activities of the Central Arbitration Committee during that year.

For that purpose the Committee shall, as soon as practicable after the end of each calendar year, transmit to ACAS an account of its activities during that year.

- (2) The accounts prepared by ACAS in respect of any financial year shall show separately any sums disbursed to or on behalf of the Committee in consequence of the provisions of this Part.

Textual Amendments

- F8** Words in s. 265(1) substituted (25.10.1999) by 1999 c. 26, s. 27(2); S.I. 1999/2830, art. 2(1) Sch. 1 Pt. I (with Sch. 3 para. 3)

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