



Compensation (Defence) Act 1939

1939 CHAPTER 75 2 and 3 Geo 6

Tribunals for determining disputes

9 ^[F1]Incidental powers of tribunals and rules of procedure]

(1) Each of the tribunals constituted under this Act shall have the following powers, that is to say:—

- ^{F2}(a)
- (b) to order persons to attend and give evidence, and to produce and give discovery and inspection of documents, in like manner as in proceedings in the High Court;
- (c) to award and assess, or direct the assessment of, such sums by way of costs as the tribunal in its discretion thinks just, and in particular to award costs to an unsuccessful claimant where such an award appears to the tribunal to be justified on the merits of the case;
- (d) to call in the aid of one or more assessors specially qualified, and hear any claim wholly or partly with their assistance;
- (e) to appoint an expert or experts to report on any matter material to the hearing of any claim;
- (f) to determine, subject to the approval of the Treasury, the remuneration, if any, of such assessors and experts.

^[F3](1A) Rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto may be made in relation to each of the tribunals constituted under this Act.

(1B) Such rules are to be made as follows—

- (a) if the rules relate to proceedings in England and Wales, they are to be made by the Lord Chancellor;
- (b) if the rules relate to proceedings in Scotland, they are to be made by the Lord President of the Court of Session;
- (c) if the rules relate to proceedings in Northern Ireland, they are to be made by the Lord Chancellor with the concurrence of the Lord Chief Justice of Northern Ireland.]

Changes to legislation: There are currently no known outstanding effects for the Compensation (Defence) Act 1939, Section 9. (See end of Document for details)

- (2) [^{F4}Such rules] may contain provisions authorising a tribunal to take into consideration any matter which the tribunal considers relevant to the subject of the inquiry before it, notwithstanding that the matter is not admissible in evidence under the law relating to evidence.
- (3) The High Court shall have, for the purposes of and in relation to any proceedings under this Act, the same power of making orders in respect of any of the matters specified in paragraph (b) of subsection (1) of this section as it has for the purpose of and in relation to an action or matter in that Court.
- [^{F5}(4) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.
- (5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

- F1** Words in s. 9 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 21(2)**; S.I. 2006/1014, Sch. 1 para. 11(d)
- F2** S. 9(1)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 21(3), **Sch. 18 Pt. 2**; S.I. 2006/1014, Sch. 1 para. 30(b)
- F3** S. 9(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 21(4)**; S.I. 2006/1014, Sch. 1 para. 11(d)
- F4** Words in s. 9(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 21(5)**; S.I. 2006/1014, Sch. 1 para. 11(d)
- F5** S. 9(4)(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 21(6)**; S.I. 2006/1014, Sch. 1 para. 11(d)

Modifications etc. (not altering text)

- C1** S. 9 applied with modifications by Public Works (Festival of Britain) Act 1949 (c. 26), **s. 5(8)(b)**; applied by War Damaged Sites Act 1949 (c. 84), **s. 13**

Changes to legislation:

There are currently no known outstanding effects for the Compensation (Defence) Act 1939, Section 9.