
STATUTORY INSTRUMENTS

1987 No. 882

The Milk (Cessation of Production) (Scotland) Scheme 1987

Arbitrations

15.—(1) Where any matter is under this Scheme to be determined by arbitration, it shall be referred—

- (a) in the case of an agricultural holding within the meaning of the 1949 Act, to arbitration under that Act or, under section 78 of that Act, to the Scottish Land Court for determination by that court;
- (b) in any other case, to the Scottish Land Court, for determination by that court.

(2) Subject to subparagraph (3), where subparagraph (1)(a) applies, section 75 (or where the circumstances require, sections 77 and 87) of the 1949 Act shall apply as if the matter referred to in subparagraph (1) was required by that Act to be determined by arbitration.

(3) Where subparagraph (1)(a) applies, Schedule 6 to the 1949 Act shall apply to arbitrations under this Scheme subject to the following modifications:—

- (a) in paragraph 5(1) (particulars of claims) as if for the words “twenty eight days” in both places where they occur, there were substituted the words “twenty one days”;
- (b) in paragraph 8 (time for making and signing awards) as if for the words “two months” there were substituted the words “thirty five days”;
- (c) paragraph 13 (arbitration award to fix a day for payment of money awarded) shall apply only in relation to expenses;
- (d) paragraphs 19 to 22 (stated case procedure, and setting aside award) shall not apply.

(4) Where a matter is under this paragraph to be determined by the Scottish Land Court, paragraphs 5 and 8 of Schedule 6 to the 1949 Act subject to the modifications set out in subparagraph (3) above shall apply to a reference to the Scottish Land Court as they apply to arbitrations under that Act and references in those paragraphs to the “arbiter” and the “arbitration” shall be construed accordingly.