

SCHEDULE

The Labour Relations Agency Arbitration Scheme

PART VIII

Appointment of arbitrators

Removal of an arbitrator

40.—(1) Section 24(1)(a) and (c), (2), (3), (5) and (6) of the Arbitration Act 1996 shall apply to arbitrations conducted in accordance with the Scheme, modified as shown in sub-paragraphs (2) to (6).

(2) A party to arbitral proceedings may (upon notice to the other party, to the arbitrator concerned and to the LRA) apply to the High Court or the county court to remove an arbitrator on any of the following grounds—

- (a) that circumstances exist that give rise to justifiable doubts as to his or her impartiality;
- (b) that he or she is physically or mentally incapable of conducting the proceedings or there are justifiable doubts as to his or her capacity to do so.

(3) The court shall not exercise its power of removal unless satisfied that the applicant has first exhausted any available recourse to the LRA.

(4) The arbitral tribunal may continue the arbitral proceedings and make an award while an application to the court under this section is pending.

(5) The arbitrator concerned is entitled to appear and be heard by the court before it makes any order under this section.

(6) The leave of the court is required for any appeal from a decision of the court under this section.