

## SCHEDULE

### The Labour Relations Agency Arbitration Scheme

## PART VIII

### Appointment of arbitrators

#### **The LRA Arbitration Panel**

32. Arbitrators are selected to serve on the LRA Arbitration Panel from amongst persons appearing to the LRA to have appropriate knowledge and experience of employment issues and good employment relations practice.

#### **Appointment to a case**

33. Arbitral appointments are made exclusively by the LRA from the LRA Arbitration Panel. Parties will have no choice of arbitrator.

34. Once the LRA has been notified of a valid Arbitration Agreement, it will select and appoint an arbitrator, and notify all parties of the name of the arbitrator so appointed.

#### **Arbitrators' duty of disclosure**

35. Arbitrators have a continuing duty to disclose to the LRA any matter relating to the appropriateness, propriety, impartiality or conflict of interest concerning their appointment to hear a case. In support of this arbitrators will be required to disclose their interests to the LRA. The LRA will hold a register of arbitrators' interests.

36. Once appointed, and until the arbitration is concluded, every arbitrator shall be under a continuing duty forthwith to disclose to the LRA any such interests which may have arisen since appointment.

#### **Removal of an arbitrator**

37. Arbitrators may be removed by the LRA or the court only under the provisions in paragraphs 38 to 40.

38. Applications under the Scheme to remove an arbitrator on any of the grounds set out in section 24(1)(a) and (c) of the Arbitration Act 1996<sup>(1)</sup> shall be made in the first instance to the LRA.

39. If the LRA refuses such an application, a party may thereafter apply to the High Court or the county court.

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;

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(1) 1996 c. 23

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(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.

41. The arbitrator may continue the proceedings and make an award while an application to the LRA (as well as the court) to remove him or her is pending.

#### **Death of an arbitrator**

42. The authority of an arbitrator is personal and ceases on his or her death.

#### **Replacement of an arbitrator**

43. Where an arbitrator ceases to hold an appointment for any reason, he or she shall be replaced by an arbitrator appointed by the LRA under paragraphs 32 to 34.

44. Once appointed, the replacement arbitrator shall determine whether and, if so, to what extent the previous proceedings should stand.