

**ABOLITION OF THE AIRCRAFT &
SHIPBUILDING INDUSTRIES
ARBITRATION TRIBUNAL**

Consultation

FEBRUARY 2012

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Abolition of the Aircraft & Shipbuilding Industries Arbitration Tribunal

1. Proposal

The Coalition Government has decided that it should reform the crowded public bodies landscape in the UK in order to enable the Government to deliver public services more efficiently. As part of this initiative it is proposed to abolish Aircraft & Shipbuilding Industries Arbitration Tribunal under the Public Bodies Act 2011, which received Royal Assent on 14 December 2011.

Issued: 2 February 2012

Respond by: 15 March 2012

The consultation is for a period six weeks rather than twelve weeks, because this is a deregulatory measure designed to tidy up the regulatory landscape of a defunct public body, and time is limited as we are working towards a commencement date of 1 October 2012.

Enquiries to: Peter Joyce, Marine Unit, Department for Business, Innovation & Skills, 1 Victoria Street, London SW1H 0ET 020 7215 1165 peter.joyce@bis.gsi.gov.uk

This consultation is relevant to: BAE Systems plc and the former British Shipbuilders Corporation's shipyards. A list of the organisations being consulted is at Annex 2.

2. Background

The Aircraft & Shipbuilding Industries Arbitration Tribunal was established by the Aircraft and Shipbuilding Industries Act 1977. This is the same Act that nationalised some of the aircraft companies and most of the major British shipbuilding companies, which in effect became British Aerospace and British Shipbuilders Corporation. Section 42 of the Act established the Aircraft and Shipbuilding Industries Arbitration Tribunal to determine any question or dispute which was expressly required by the Act to be subject to arbitration. The Tribunal was governed by rules made respectively by the Lord Advocate for Scotland and the Lord Chancellor for the rest of the UK. There was a right of appeal to the Court of Session in Scotland and to the Court of Appeal in the remainder of the UK (Schedule 7), with a possible further appeal to the House of Lords. There was also provision for judicial review of the original compensation offer.

The Tribunal was established in 1978 and considered two applications, one from John Anthony Gardiner, the Stockbrokers' representative in the case of Cammell Laird Shipbuilders Limited, and David Douglas Rae Smith on behalf of Vickers Limited's auditors. The Tribunal completed its determination of both cases by 1981 and has not met since.

British Shipbuilders Corporation subsequently sold its shipyards and British Aerospace was privatised.

3. Consultation question

Do you agree the Government's proposal to wind up the Aircraft & Shipbuilding Industries Arbitration Tribunal?

4. Basic information

To: We are keen to hear from everyone who may feel concerned by this proposal.

Duration: The consultation runs for 6 weeks from 2 February to 15 March 2012.

How to respond: If you wish to respond to this consultation please write to:

Peter Joyce
Marine Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1A 0ET

Email: peter.joyce@bis.gsi.gov.uk

After the consultation: Responses will be analysed and a 'Response to Consultation' document will be published. This response will take the form of a final decision and include a summary of the views expressed.

5. Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Annex 1: The Consultation Code of Practice Criteria

Formal consultation should take place at a stage when there is scope to influence policy outcome.

Consultation should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Consultation exercise should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Sameera De Silva,
BIS Consultation Co-ordinator,
1 Victoria Street,
London
SW1H 0ET

Telephone Sameera on 020 7215 2888
or e-mail to: Sameera.De.Silva@bis.gsi.gov.uk

Annex 2: List of Individuals/Organisations consulted

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W1U 1QX

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Managing Director
A&P Group Limited
Waggonway Road
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NE31 1SP

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Ferguson Shipbuilders
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Port Glasgow
PA14 5NG

Ashutosh Sinha
Director
Shipbuilders & Shiprepairers Association
Pallion Yard
Pallion New Road
Sunderland
SR4 6LL

Annex 3: Impact on legislation

The following primary and secondary legislation will require amendment as a result of the abolition of the Aircraft & Shipbuilding Industries Arbitration Tribunal. The following legislation will be repealed:

Primary legislation

House of Commons Disqualification Act 1975

<http://www.legislation.gov.uk/ukpga/1975/24/contents>

Northern Ireland Assembly Disqualification Act 1975

<http://www.legislation.gov.uk/ukpga/1975/25/contents>

Aircraft and Shipbuilding Industries Act 1977

<http://www.legislation.gov.uk/ukpga/1977/3/contents>

Courts and Legal Services Act 1990

<http://www.legislation.gov.uk/ukpga/1990/41/contents>

Tribunals and Inquiries Act 1992

<http://www.legislation.gov.uk/ukpga/1992/53/contents>

Judicial Pensions and Retirement Act 1993

<http://www.legislation.gov.uk/ukpga/1993/8/contents>

Employment Tribunals Act 1996

<http://www.legislation.gov.uk/ukpga/1996/17/contents>

Constitutional Reform Act 2005

<http://www.legislation.gov.uk/ukpga/2005/4/contents>

Tribunals, Courts and Enforcement Act 2007

<http://www.legislation.gov.uk/ukpga/2007/15/contents>

Public Bodies Act 2011

<http://www.legislation.gov.uk/ukpga/2011/24/contents/enacted>

Secondary legislation

The Aircraft and Shipbuilding Industries Arbitration Tribunal (Scottish Proceedings) Rules 1977, S.I. 1977/1020

The Aircraft and Shipbuilding Industries Arbitration Tribunal Rules 1977, S.I. 1977/1022

<http://www.legislation.gov.uk/id/1977/1022/uksi>

The Transfer of Functions (Lord Advocate and Secretary of State) Order 1999, S.I. 1999/678

<http://www.legislation.gov.uk/uksi/1999/678/contents/made>

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, S.I. 1999/1750

<http://www.legislation.gov.uk/uksi/1999/1750/contents/made>

The Enterprise Act 2002 (Disqualification from Office: General) Order 2006, S.I. 2006/1722

<http://www.legislation.gov.uk/uksi/2006/1722/contents/made>

The Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007, S.I. 2007/2951

<http://www.legislation.gov.uk/uksi/2007/2951/contents/made>

The Scottish Parliament (Disqualification) Order 2010, S.I. 2010/2476

<http://www.legislation.gov.uk/uksi/2010/2476/contents/made>

The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, S.I. 2010/976

<http://www.legislation.gov.uk/uksi/2010/976/contents/made>

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