

MINUTE of MEETING of the
CONDITIONS SUB-COMMITTEE of
S.P.T.A. held at 25 SOUTH
METHVEN STREET, PERTH, at 2.30
p.m. on THURSDAY, 31st MARCH,
1994.

PRESENT: Messrs. B. Doig, G. Brass, K. McKenzie, J. Robertson and J. Hollywood, along with the Association Secretary, Mr. R.D. Hunter.

APOLOGY: An apology for absence was intimated on behalf of Mr. J. Swinton.

CHAIRMAN: The Association President, Mr. Bob Doig, occupied the Chair.

ARBITRATION PROCEDURES: Mr. Hollywood commenced the discussion on this subject by referring to his attendance at a one day Seminar arranged by N.A.S.P.M. on Arbitration Procedures. He stated that in his opinion there were two separate issues to be addressed, namely:-

- (1) Standardisation of Procedures and (2) Standard of Arbiters.

There then followed an indepth discussion regarding both of these matters.

The following Heads of Agreement emerged from that discussion:-

- (1) The Association Secretary should act as Secretary in all Arbitrations. The functions of the Arbitration Secretary would be to collect and disseminate the Submissions of the parties to the Arbitration and receive the parties' Adjustments up until the time that their Submissions have been finalised. At that stage, and not before, the Submissions would be passed over to the Arbiters and the Oversman.
- (2) The Arbiters would, depending upon the circumstances, in most cases employ an Arbiters' Clerk to advise them on legal issues. It was suggested that the Clerk should act as Chairman at Hearings.
- (3) In the next News Letter to Association Members, to invite Members to nominate people to be included in the Association's Panel of Arbiters. The Conditions Sub-Committee would be responsible for selecting suitable applicants to be included in the Panel. The News Letter would also invite Members to indicate whether or not they wished to attend a Training Seminar for Arbiters similar to that arranged by the N.A.S.P.M.

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- (4) Mr. Hunter, once the number of applicants is known, will make arrangements for a Training Seminar to be held at a location in central Scotland (possibly Perth). Mr. Hunter confirmed that he had received from the Chartered Institute of Arbitrators (Arbiters), Scottish Branch, the name of a person considered suitable to conduct the Seminar.
- (5) Mr. Hunter will arrange for an article to appear as soon as possible in the Scottish Law Society Journal inviting Solicitors to submit their names to be included in a Panel of, say, six Arbiters' Clerks. The Conditions Sub-Committee would be responsible for deciding which of the applicants should be included in the Panel.
- (6) Legal representation at Hearings will be prohibited other than with the approval of the Arbiters in exceptional circumstances.
- (7) There were conflicting views as to whether an appeal on a point of law should be allowed. Mr. Hunter stated that in normal circumstances the appeal would be by means of a Stated Case to the Court of Session.
- (8) A simple Information Sheet would be prepared for the Arbiters' Secretary to issue to parties at the commencement of the Arbitration.
- (9) A change in the method of appointing Arbiters was discussed (e.g. in Arbitrations involving a non Association Member, one Arbiters to be appointed by S.P.T.A. President and the other Arbiters to be appointed by an Organisation representing the other party e.g. N.A.S.P.M. or National Farmers' Union of England and Wales).
- (10) To delay making final decisions until after the S.P.T.A. Arbitration Seminar had taken place.

This terminated the business of the meeting.