

Exclusion of jurisdiction of court

138. (1) Where an appeal is lodged with the Tribunal and the appeal is within the jurisdiction of the Tribunal, the issues in dispute in that appeal, whether as shown in the initial appeal or as emerging in the course of the hearing, shall not be the subject of proceedings between the same parties in any court unless—

(a) the proceedings before the court were commenced before the appeal was lodged with the Tribunal; or

(b) the appeal before the Tribunal is withdrawn, abandoned or struck out.

(2) Where paragraph (1)(a) applies, the issues in dispute in the appeal to which those proceedings relate, whether as shown in the initial appeal or emerging in the course of the hearing, shall not be the subject of proceedings between the same parties before the Tribunal unless the proceedings before the court is withdrawn, abandoned or struck out.