#### STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 301

# **EMPLOYMENT**

# The Labour Relations Agency Arbitration Scheme Order (Northern Ireland) 2012

Made - - - - 26th July 2012
Coming into operation 27th September 2012

# THE LABOUR RELATIONS AGENCY ARBITRATION SCHEME ORDER (NORTHERN IRELAND) 2012

- 1. Citation and commencement
- 2. Interpretation
- 3. Revocations and savings
- 4. Commencement of the Scheme
- 5. Application of Part I of the Arbitration Act 1996
- 6. Application of Terms of Reference Signature

SCHEDULE The Labour Relations Agency Arbitration Scheme PART I — Introduction

- 1. The Labour Relations Agency Arbitration Scheme ("the Scheme") is implemented...
- 2. The Scheme provides a voluntary alternative, in the form of...
- 3. Resolution of disputes under the Scheme is intended to be...
- 4. The Scheme also caters for requirements imposed as a matter... PART II The role of the LRA
- 5. As more fully explained below, cases enter the Scheme by...
- 6. Routing of communications
- 7. Paragraph 120 sets out the manner in which any document,... PART III Terms and abbreviations
- 8. In the Scheme "claimant" means any person entitled to...
- 9. With the exception of paragraph 18(a) ("Requirements for entry into

PART IV — Arbitrator's Terms of Reference

10. Every agreement to refer a dispute to arbitration under this...

#### PART V — Scope of the Scheme

- 11. Cases that are covered by the Scheme
- 12. The Scheme does not extend to other kinds of claim...
- 13. Any claim other than a qualifying claim that forms part...
- 14. Waiver of jurisdictional issues
- 15. Accordingly, when agreeing to refer a dispute to arbitration under...
- 16. In agreeing to arbitration under the Scheme, the parties to...

#### PART VI — Access to the Scheme

- 17. The Scheme is an entirely voluntary system of dispute resolution,...
- 18. Requirements for entry into the Scheme
- 19. Where an agreement fails to satisfy any one of these...
- 20. Where: (a) a dispute concerning a qualifying claim as well...
- 21. Notification to the LRA of an Arbitration Agreement
- 22. For the purposes of paragraph 21, an Arbitration Agreement is...
- 23. Where an Arbitration Agreement is not notified to the LRA...
- 24. Any such hearing and award will be governed by the...
- 25. Consolidation of proceedings

# PART VII — Settlement and withdrawal from the Scheme

- 26. Withdrawal by the claimant
- 27. Withdrawal by the respondent
- 28. Settlement
- 29. If such an agreement is reached: (a) upon the joint...
- 30. An agreed award shall state that it is an award...
- 31. In making an award by consent under paragraph 30, the...

# PART VIII — Appointment of arbitrators

- 32. The LRA Arbitration Panel
- 33. Appointment to a case
- 34. Once the LRA has been notified of a valid Arbitration...
- 35. Arbitrators' duty of disclosure
- 36. Once appointed, and until the arbitration is concluded, every arbitrator...
- 37. Removal of an arbitrator
- 38. Applications under the Scheme to remove an arbitrator on any...
- 39. If the LRA refuses such an application, a party may...
- 40. (1) Section 24(1)(a) and (c), (2), (3), (5) and (6)...
- 41. The arbitrator may continue the proceedings and make an award...
- 42. Death of an arbitrator
- 43. Replacement of an arbitrator
- 44. Once appointed, the replacement arbitrator shall determine whether and if

#### PART IX — General duty of the arbitrator

- 45. The arbitrator shall: (a) act fairly and impartially as between...
- 46. The arbitrator shall comply with the general duty (see paragraph...

PART X — General duty of the parties

- 47. The parties shall do all things necessary for the proper...
  - PART XI Confidentiality and privacy
- 48. Arbitrations, and all associated procedures under the Scheme, are strictly...
- 49. The arbitrator, the parties and an officer of the LRA...

#### PART XII — Arrangements for the hearing

- 50. Initial arrangements
- 51. Once an arbitrator has been appointed a hearing shall be...
- 52. The LRA, in conjunction with the arbitrator, shall decide the...

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- 53. The LRA shall contact all parties with details of the...
- 54. Expedited hearings
- 55. Venue
- Assistance
- 57. Travelling expenses or loss of earnings
- 58. No loss of earnings is payable by the LRA to...
- 59. Applications for postponements of initial hearings
- 60. If the application is rejected, the initial hearing will be...
- This provision does not affect the arbitrator's general discretion with...

#### PART XIII — Non-compliance with procedure

62. If a party fails to comply with any aspect of...

# PART XIV — Outline of procedure before the hearing

- 63. Once a hearing has been fixed, the following procedure shall...
- 64. Written materials
- 65. Supporting documentation or other material may include (where applicable and...
- 66. The parties must also supply details of any relevant awards...
- 67. Legible copies of documents must be supplied to the LRA...
- 68. No information on the conciliation process, if any, in respect...
- 69. Submissions, evidence and witnesses not previously notified
- 70. All representatives and witnesses who have been listed as accompanying...
- 71. Requests for documents
- 72. Requests for attendance of witnesses
- 73. Preliminary hearings and directions
- 74. In the course of a preliminary hearing or through the...

# PART XV — Outline of procedure at the hearing

- 75. Arbitrator's overall discretion
- 76. Administration
- 77. Witnesses
- 78. Examination by the arbitrator
- 79. Representatives
- 80. Strict rules of evidence
- 81. Interim relief
- 82. Non-attendance at the hearing
- 83. In the case of the non-attendance of the claimant, if...
- 84. Post-hearing written materials

## PART XVI — Questions of EC Law and the Human Rights Act 1998

- 85. Appointment of legal adviser
- 86. The legal adviser will be appointed by the LRA, to...
- 87. The arbitrator shall allow the legal adviser to attend the...
- 88. The parties shall be given a reasonable opportunity to comment...
- 89. Court determination of preliminary points

## PART XVII — Awards

- 90. Form of the award
- 91. The award (unless it is an award by consent under...
- 92. Awards on different issues
- 93. The arbitrator may, in particular, make an award relating:
- 94. If the arbitrator does so, he or she shall specify...
- 95. Remedies
- 96. (1) The remedies available to the arbitrator shall be those...

## PART XVIII — Issue of awards and confidentiality

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- 97. The arbitrator's award shall be sent by the LRA to...
- 98. The award shall be confidential, and shall be issued only...

#### PART XIX — Correction of Awards

- 99. Scrutiny of awards by the LRA
- 100. Correction by the arbitrator
- 101. In so far as any such correction or additional award...
- 102. Any application by a party for the exercise of this...
- 103. Any correction of the award shall be made within 28...
- 104. Any additional award shall be made within 56 days beginning...
- 105. Any correction of the award shall form part of the...

#### PART XX — Effect of awards, enforcement and interest

- 106. Effect of awards
- 107. This does not affect the right of a person to...
- 108. Enforcement
- 109. Interest

#### PART XXI — Challenging the award

- 110. Challenges on grounds of substantive jurisdiction
- 111. Challenging the award: serious irregularity
- 112. Appeals on questions of EC law and the Human Rights Act 1998
- 113. Time limits and other procedural restrictions on challenges to awards
- 114. Common law challenges and saving
- 115. Challenge or appeal: effect of order of the court

# PART XXII — Loss of right to object

116. If a party to arbitral proceedings under this Scheme takes...

# PART XXIII — Immunity

- 117. An arbitrator under this Scheme is not liable for any...
- 118. The LRA, by reason of having appointed an arbitrator or...

# PART XXIV — Miscellaneous provisions

- 119. Requirements in connection with legal proceedings
- 120. Service of documents and notices to the LRA
- 121. Service of documents or notices on any other person or entity (other than the LRA)
- 122. If such a notice or other document is addressed, pre-paid...
- 123. Powers of court in relation to service of documents
- 124. Reckoning periods of time

## PART XXV — Territorial operation of the Scheme

- 125. Territorial application
- Appendix A Form for entry into the Scheme
- Appendix B Provisions of the Arbitration Act 1996 to which modifications apply
- Appendix C Provisions of the Equal Pay Act (Northern Ireland) 1970 reproduced

for the purposes of the Scheme

**Explanatory Note**