

SCHEDULE

The Labour Relations Agency Arbitration Scheme

PART V

Scope of the Scheme

Cases that are covered by the Scheme

11. This Scheme only applies to disputes involving, or which could be the subject of, proceedings arising from a qualifying claim.

12. The Scheme does not extend to other kinds of claim which are related to, or raised at the same time as, a qualifying claim.

13. Any claim other than a qualifying claim that forms part of the same dispute must be settled separately, or referred, as appropriate, to an industrial tribunal or the Fair Employment Tribunal, or withdrawn. In the event that different aspects of the same dispute are being heard in an industrial tribunal or the Fair Employment Tribunal as well as under the Scheme, the arbitrator may decide, if appropriate or convenient, to postpone the arbitral proceedings pending a determination by an industrial tribunal or the Fair Employment Tribunal.

Waiver of jurisdictional issues

14. Arbitration under the Scheme shall not deal with jurisdictional issues, for example:

- (a) whether or not the claimant was employed by the respondent;
- (b) whether or not the claimant had the necessary period of continuous service to bring the claim;
- (c) whether or not the claimant has a disability within the meaning of section 1 of the Disability Discrimination Act 1995⁽¹⁾;
- (d) whether or not time limits have expired or should be extended.

15. Accordingly, when agreeing to refer a dispute to arbitration under the Scheme, both parties will be taken to have accepted as a condition of the Scheme that no jurisdictional issue is in dispute between them. The arbitrator will not therefore deal with such issues during the arbitration process, even if they are raised by the parties, and the parties will be taken to have waived any rights in that regard.

16. In agreeing to arbitration under the Scheme, the parties to a qualifying claim in respect of unfair dismissal as described in paragraph 8 will be treated as having agreed that a dismissal has taken place.

(1) 1995 c. 50