



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART IV

#### INDUSTRIAL RELATIONS

#### CHAPTER IV

#### GENERAL

#### *Functions of ACAS*

#### **212 Arbitration.**

- (1) Where a trade dispute exists or is apprehended ACAS may, at the request of one or more of the parties to the dispute and with the consent of all the parties to the dispute, refer all or any of the matters to which the dispute relates for settlement to the arbitration of—
  - (a) one or more persons appointed by ACAS for that purpose (not being officers or employees of ACAS), or
  - (b) the Central Arbitration Committee.
- (2) In exercising its functions under this section ACAS shall consider the likelihood of the dispute being settled by conciliation.
- (3) Where there exist appropriate agreed procedures for negotiation or the settlement of disputes, ACAS shall not refer a matter for settlement to arbitration under this section unless—
  - (a) those procedures have been used and have failed to result in a settlement, or
  - (b) there is, in ACAS's opinion, a special reason which justifies arbitration under this section as an alternative to those procedures.

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**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Section 212 is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (4) Where a matter is referred to arbitration under subsection (1)(a)—
- (a) if more than one arbitrator or arbiter is appointed, ACAS shall appoint one of them to act as chairman; and
  - (b) the award may be published if ACAS so decides and all the parties consent.
- (5) <sup>F1</sup>Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or <sup>F2</sup>Part I of the Arbitration Act 1996] (general provisions as to arbitration) <sup>F3</sup>does not apply <sup>F3</sup>applies] to an arbitration under this section.

#### Textual Amendments

- F1** Words in s. 212(5) inserted (S.) (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 6(2)(a)**
- F2** Words in s. 212(5) substituted (31.1.1997) by virtue of 1996 c. 23, s. 107(1), **Sch. 3 para. 56** (with s. 81(2); S.I. 1996/3146, art. 3, **Sch. 2**)
- F3** Word in s. 212(5) substituted (S.) (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 6(2)(b)**

**Changes to legislation:**

Trade Union and Labour Relations (Consolidation) Act 1992, Section 212 is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)