

SCHEDULE

ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

PART III

TERMS AND ABBREVIATIONS

9. The term “Employee” is used to denote the claimant, including any person entitled to pursue a claim arising out of a contravention, or alleged contravention, of section 80G(1) or 80H(1)(b) of the 1996 Act (flexible working)(1).

10. The term “Employer” is used to denote the respondent.

11. The term “devolution issue” means a devolution issue as defined in paragraph 1 of Schedule 6 to the Scotland Act 1998(2) or a devolution issue as defined in paragraph 1 of Schedule 8 to the Government of Wales Act 1998(3).

12. The term “EC law” means:

- (i) any enactment in the domestic legislation of England and Wales or of Scotland giving effect to rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Community Treaties, and
- (ii) any such rights, powers, liabilities, obligations and restrictions which are not given effect by any such enactment.

13. The term “English/Welsh arbitration” means an arbitration under this Scheme which the parties have agreed shall be an English/Welsh arbitration.

14. The term “Flexible Working Claim” means a claim by the Employee that his Employer has failed to deal with an application made under section 80F of the 1996 Act in accordance with section 80G(1) of that Act or that a decision by his Employer to reject the application was based on incorrect facts.

15. The term “Scottish arbitration” means an arbitration under this Scheme which parties have agreed shall be a Scottish arbitration.

16. With the exception of paragraphs 26 (“Requirements for entry into the Scheme”) 111EW (“Form of the award: English/Welsh arbitrations”) and 114S (“Form of the award: Scottish arbitrations”), references to anything being written or in writing include its being recorded by any means so as to be usable for subsequent reference.

(1) 1996 c. 18. Section 80G and section 80H were inserted by section 47 of the Employment Act 2002 (c. 22).

(2) 1998 c. 46.

(3) 1998 c. 38.