
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 120

INDUSTRIAL RELATIONS

Labour Relations Agency Arbitration
Scheme Order (Northern Ireland) 2002

Made - - - - *25th March 2002*

Coming into operation *28th April 2002*

LABOUR RELATIONS AGENCY ARBITRATION
SCHEME ORDER (NORTHERN IRELAND) 2002

1. Citation, commencement and interpretation
 2. Commencement of the Scheme
 3. Application of Part I of the Arbitration Act 1996
 4. (1) Section 46(1)(b) of the Arbitration Act 1996 shall apply...
 5. Enforcement of re-employment orders
 6. Awards of compensation
- Signature

SCHEDULE

Labour Relations Agency Arbitration Scheme

I. — Introduction

1. The Labour Relations Agency Arbitration Scheme (“the Scheme”) is implemented...
2. The Scheme provides a voluntary alternative to an industrial tribunal...
3. Resolution of disputes under the Scheme is intended to be...
4. The Scheme also caters for requirements imposed as a matter...

II. — The Role of the LRA

5. As more fully explained below, cases enter the Scheme by...
6. Routing of communications
7. Paragraph 172 below sets out the manner in which any...

III. — Terms and Abbreviations

8. The term “employee” is used to denote the claimant (i.e....
9. The term “employer” is used to denote the respondent.
10. The term “EC law” means: (i) any provision in the...

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11. With the exception of paragraph 21(i) below (“Requirements for entry...
 - IV. — Arbitrator’s Terms of Reference
12. Every agreement to refer a dispute to arbitration under this...
 - V. — Scope of the Scheme
13. Cases that are covered by the Scheme
14. The Scheme does not extend to other kinds of claim...
15. If a claim of unfair dismissal has been referred for...
16. Waiver of jurisdictional issues
17. Accordingly, when agreeing to refer a dispute to arbitration under...
18. In particular, in agreeing to arbitration under the Scheme, the...
19. Inappropriate cases
 - VI. — Access to the Scheme
20. The Scheme is an entirely voluntary system of dispute resolution,...
21. Requirements for entry into the Scheme
22. Where an agreement fails to satisfy any one of these...
23. Where: (i) a dispute concerning unfair dismissal claims as well...
24. Notification to the LRA of an Arbitration Agreement
25. For the purposes of the previous paragraph, an Arbitration Agreement...
26. Where an Arbitration Agreement is not notified to the LRA...
27. Any such hearing and award will be governed by the...
28. Consolidation of proceedings
 - VII. — Settlement and withdrawal from the Scheme
29. Withdrawal by the employee
30. Withdrawal by the employer
31. Settlement
32. If such an agreement is reached: (i) upon the joint...
33. An agreed award shall state that it is an award...
34. In rendering an agreed award, the arbitrator:
 - VIII. — Appointment of Arbitrators
35. The LRA Arbitration Panel
36. Appointment to a case
37. Once the LRA has been notified of a valid Arbitration...
38. Arbitrators' duty of disclosure
39. Once appointed, and until the arbitration is concluded, every arbitrator...
40. Removal of an arbitrator
41. Applications under the Scheme to remove an arbitrator on any...
42. If the LRA refuses such an application, a party may...
43. Sections 24(1)(a) and (c), 24(2), 24(3), 24(5) and 24(6) of...
44. The arbitrator may continue the proceedings and make an award...
45. Death of an arbitrator
46. Replacement of an arbitrator
47. Once appointed, the replacement arbitrator shall determine whether and, if...
 - IX. — General Duty of the Arbitrator
48. The arbitrator shall: (i) act fairly and impartially as between...
49. The arbitrator shall comply with the general duty (see paragraph...
 - X. — General Duty of the Parties
50. The parties shall do all things necessary for the proper...
 - XI. — Confidentiality and Privacy

51. Arbitrations, and all associated procedures under the Scheme, are strictly...
52. The arbitrator, the parties and an officer of the LRA...
 - XII. — Arrangements for the Hearing
53. Initial arrangements
54. Once an arbitrator has been appointed a hearing shall be...
55. The LRA, in conjunction with the arbitrator, shall decide the...
56. The LRA shall contact all parties with details of the...
57. Expedited hearings
58. Venue
59. Where premises have to be hired for a hearing, the...
60. Assistance
61. Travelling expenses/loss of earnings
62. No loss of earnings is payable by the LRA to...
63. Applications for postponements of initial hearings
64. If the application is rejected, the initial hearing will be...
65. This provision does not affect the arbitrator's general discretion (set...
 - XIII. — Non-compliance with Procedure
66. If a party fails to comply with any aspect of...
 - XIV. — Outline of procedure before the Hearing
67. Once a hearing has been fixed, the following procedure shall...
68. Written materials
69. Written statements of case should briefly set out the main...
70. Supporting documentation or other material may include (without limitation) copies...
71. The parties must also supply details of any relevant awards...
72. Legible copies of documents must be supplied to the LRA...
73. No information on the conciliation process, if any, in respect...
74. Submissions, evidence and witnesses not previously notified
75. All representatives and witnesses who have been listed as accompanying...
76. Requests for documents
77. Requests for attendance of witnesses
78. Preliminary hearings and directions
79. In the course of a preliminary hearing and/or through the...
 - XV. — Outline of Procedure at the Hearing
80. Arbitrator's overall discretion
81. Administration
82. Witnesses
83. Examination by the arbitrator
84. Representatives
85. Strict rules of evidence
86. Interim relief
87. Non-attendance at the hearing
88. In the case of the non-attendance of the employee, if...
89. Post-hearing written materials
90. XVI. — Questions of EC Law and the Human Rights Act 1998
90. Appointment of legal adviser
91. The legal adviser will be appointed by the LRA, to...
92. The arbitrator shall allow the legal adviser to attend the...
93. The parties shall be given a reasonable opportunity to comment...
94. Court determination of preliminary points

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- XVII. — Automatic Unfairness
- 95. In deciding whether the dismissal was fair or unfair, subject...
- XVIII. — Awards
- 96. Form of the award
- 97. The award (unless it is an agreed award) shall:
- 98. Awards on different issues
- 99. The arbitrator may, in particular, make an award relating:
- 100. If the arbitrator does so, s/he shall specify in her/his...
- 101. Remedies
- 102. In the event that the arbitrator finds that the dismissal...
- 103. In cases where the arbitrator finds that the dismissal was...
- XIX. — Awards of Reinstatement or Re-engagement
- 104. Definitions
- 105. An order for re-engagement (which must be in the form...
- 106. Choice of remedy
- 107. If the arbitrator decides not to make an order for...
- 108. If ordering re-engagement, the arbitrator shall do so on terms...
- 109. Permanent replacements
- 110. Reinstatement
- 111. If the employee would have benefited from an improvement in...
- 112. In calculating for the purposes of paragraph 110(i) above any...
- 113. Re-engagement
- 114. In calculating, for the purposes of paragraph 113(iv) above, any...
- 115. Continuity of employment
- XX. — Awards of Compensation
- 116. When an arbitrator makes an award of compensation, instead of...
- 117. Where paragraph 142 below applies, an award of compensation shall...
- 118. The basic amount
- 119. As to the “effective date of termination”:
- 120. In determining “continuous employment”, the arbitrator shall have regard to...
- 121. The “appropriate amount” means: (i) one and a half weeks'...
- 122. In calculating the amount of a week’s pay of an...
- 123. Where twenty years of employment have been reckoned under paragraph...
- 124. Where the effective date of termination is after the sixty-fourth...
- 125. The “appropriate fraction” means the fraction of which:
- 126. Minimum basic amounts in certain cases
- 127. Before any reductions are taken into account under paragraphs 130-134...
- 128. Basic amount of two weeks' pay in certain cases
- 129. For the purposes of this Scheme: (i) for the definition...
- 130. Reductions to the basic amount
- 131. Where the arbitrator considers that any conduct of the employee...
- 132. The preceding paragraph does not apply in a redundancy case...
- 133. Where the employee has been awarded any amount in respect...
- 134. The basic amount shall be reduced or further reduced by...
- 135. The compensatory amount
- 136. The loss referred to in paragraph 135 above shall be...
- 137. In ascertaining the loss referred to in paragraph 135 above,...
- 138. In determining, for the purposes of paragraph 135 above, how...
- 139. Reductions to the compensatory amount

- 140. If: (i) any payment was made by the employer to...
- 141. Internal appeal procedures
- 142. Where an award of compensation is to be made, and...
- 143. In determining the amount of a reduction under paragraph 141...
- 144. The amount of such a reduction or supplementary amount shall...
- 145. Limits on the compensatory amount
- 146. The limit referred to above applies to the amount which...
- 147. Double recovery
- XXI. — Issue of Awards and Confidentiality
- 148. The arbitrator's award shall be sent by the LRA to...
- 149. The award shall be confidential, and shall only be issued...
- XXII. — Correction of Awards
- 150. Scrutiny of awards by the LRA
- 151. Correction by the arbitrator
- 152. In so far as any such correction or additional award...
- 153. Any application by a party for the exercise of this...
- 154. Any correction of the award shall be made within 28...
- 155. Any additional award shall be made within 56 days of...
- 156. Any correction of the award shall form part of the...
- XXIII. — Effect of Awards, Enforcement and Interest
- 157. Effect of awards
- 158. This does not affect the right of a person to...
- 159. Enforcement
- 160. Awards of reinstatement or re-engagement will be enforced by an...
- 161. Interest
- XXIV. — Challenging the Award
- 162. Challenges on grounds of substantive jurisdiction
- 163. Challenges for serious irregularity
- 164. Appeals on questions of EC law and the Human Rights Act 1998
- 165. Time limits and other procedural restrictions on challenges to awards
- 166. Common law challenges and saving
- 167. Challenge or appeal: effect of order of the court
- XXV. — Loss of right to Object
- 168. If a party to arbitral proceedings under this Scheme takes...
- XXVI. — Immunity
- 169. An arbitrator under this Scheme is not liable for anything...
- 170. The LRA, by reason of having appointed an arbitrator or...
- XXVII. — Miscellaneous Provisions
- 171. Requirements in connection with legal proceedings
- 172. Service of documents and notices on the LRA
- 173. Paragraph 172 above does not apply to the service of...
- 174. Service of documents or notices on any other person or entity (other than the LRA)
- 175. If such a notice or other document is addressed, pre-paid...
- 176. Paragraphs 174 and 175 above do not apply to the...
- 177. Powers of court in relation to service of documents
- 178. Reckoning periods of time
- XXVIII. — Territorial Operation of the Scheme
- 179. Territorial Application
- Explanatory Note