STATUTORY RULES OF NORTHERN IRELAND

2006 No. 206

EMPLOYMENT

The Labour Relations Agency (Flexible Working) Arbitration Scheme Order (Northern Ireland) 2006

Made - - - -	*2nd May 2006*
Coming into operation	*21st May 2006*

Whereas:

(1) Under Article 84A(1) of the Industrial Relations (Northern Ireland) Order 1992(**1**)("the 1992 Order") the Labour Relations Agency ("the Agency") may prepare a scheme providing for arbitration in the case of disputes involving proceedings, or claims which could be the subject of proceedings, before an industrial tribunal under, or arising out of a contravention or alleged contravention of Article 112G(1) or Article 112H(1)(b) of the Employment Rights (Northern Ireland) Order 1996(**2**)(flexible working);

(2) In pursuance of Article 84A(1) of the 1992 Order, the Agency has prepared an arbitration scheme for flexible working cases;

(3) In pursuance of Article 84A(2) of the 1992 Order, the Agency has submitted a draft of the scheme to the Department for Employment and Learning(**3**)which has approved the scheme:

Now, therefore, the Department for Employment and Learning, in exercise of the powers conferred by Article 84A(2) and (6) of the 1992 Order, and now vested in it(**4**), hereby makes the following Order:

Citation, commencement and interpretation

1. –

(1) This Order may be cited as the Labour Relations Agency (Flexible Working) Arbitration Scheme Order (Northern Ireland) 2006 and shall come into operation on 21st May 2006.

(2) In this Order–

"the 1996 Order"means the Employment Rights (Northern Ireland) Order 1996;

(**1**) S.I. 1992/807 (N.I. 5); Article 84A was inserted by Article 8 of the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 (S.I. 1998/1265 (N.I. 8)) and amended by paragraph 3 of Schedule 2 to the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(**2**) S.I. 1996/1919 (N.I. 16); Articles 112G and 112H were inserted by Article 15 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(**3**) Formerly the Department of Higher and Further Education, Training and Employment; see 2001 c. 15 (N.I.)

(**4**) See S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

"the Scheme"means the arbitration scheme set out in the Schedule with the exception of paragraphs 43, 93, 111, 113 to 118, 122, 128 and 129.

Commencement of the Scheme

2. The Scheme shall come into effect on 25th May 2006.

Application of Part I of the Arbitration Act 1996

3. The provisions of Part I of the Arbitration Act 1996(**5**)referred to in paragraphs 43, 93, 111, 113 to 118, 122, 128 and 129 of the Schedule and shown in italics shall, as modified in those paragraphs, apply to arbitrations conducted in accordance with the Scheme.

4. –

(1) Section 46(1)(b) of the Arbitration Act 1996 shall apply to arbitrations conducted in accordance with the Scheme, subject to the following modification.

(2) For "such other considerations as are agreed by them or determined by the tribunal"in section 46(1)(b) substitute "the Terms of Reference in paragraph 13 of the arbitration scheme set out in the Schedule to the Labour Relations Agency (Flexible Working) Arbitration Scheme Order (Northern Ireland) 2006".

Sealed with the Official Seal of the Department for Employment and Learning on 2nd May 2006.

D. S. S. McAuley
A senior officer of the
Department for Employment and Learning

(**5**) 1996 c. 23

SCHEDULE Articles 2 and 3

THE LABOUR RELATIONS AGENCY (FLEXIBLE WORKING) ARBITRATION SCHEME

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