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STATUTORY INSTRUMENTS

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**2004 No. 2333**

**The ACAS (Flexible Working) Arbitration  
Scheme (Great Britain) Order 2004**

**Citation, commencement, interpretation and extent**

1.—(1) This Order may be cited as the ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004 and shall come into force on 1st October 2004.

(2) In this Order—

“the 1996 Act” means the Employment Rights Act 1996;

“English/Welsh arbitration” means an arbitration under the Scheme which the parties have agreed shall be determined under the laws of England and Wales;

“the Scheme” means the arbitration scheme set out in the Schedule to this Order, with the exception of paragraphs 52EW, 108EW, 135EW, 138EW, 145EW, 151EW, 156EW, 160EW, 163EW, 174EW and 175EW thereof;

“Scottish arbitration” means an arbitration under the Scheme which the parties have agreed shall be determined under the laws of Scotland.

(3) This Order extends to Great Britain.

(4) Paragraphs in the Schedule marked “EW” apply only to English/Welsh arbitrations.

(5) Paragraphs in the Schedule marked “S” apply only to Scottish arbitrations.

(6) Paragraphs in the Schedule not marked “EW” or “S” apply to both English/Welsh arbitrations and Scottish arbitrations.

**Commencement of the Scheme**

2. The Scheme shall come into effect on 1<sup>st</sup> October 2004.

**Revocation**

3. Subject to article 6, the ACAS (Flexible Working) Arbitration Scheme (England and Wales) Order 2003(1) is revoked.

**Application of Part I of the Arbitration Act 1996**

4. The provisions of Part I of the Arbitration Act 1996(2) referred to in paragraphs 52EW, 108EW, 135EW, 138EW, 145EW, 151EW, 156EW, 160EW, 163EW, 174EW and 175EW of the Schedule and shown in italics shall, as modified in those paragraphs, apply to English/Welsh arbitrations conducted in accordance with the Scheme.

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

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(1) S.I. 2003/694.

(2) 1996 c. 23

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(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 18 of the arbitration scheme set out in the Schedule to the ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004”.

### **Transitional provision**

6.—(1) The Scheme has effect in any case where the appropriate date falls on or after 1<sup>st</sup> October 2004.

(2) In a case where the appropriate date falls before 1<sup>st</sup> October 2004, the arbitration scheme set out in the Schedule to the ACAS (Flexible Working) Arbitration Scheme (England and Wales) Order 2003 continues to apply.

(3) In this article—the

“appropriate date” means the date of signature of the Arbitration Agreement. Where the parties sign the Arbitration Agreement on different dates, the appropriate date is the date of the first signature.

“Arbitration Agreement” means an agreement to submit the dispute to arbitration, as defined in paragraph 26 of the Scheme.

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and Consumers,  
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6th September 2004