

SCHEDULE

The Labour Relations Agency Arbitration Scheme

PART XXI

Challenging the award

Challenging the award: serious irregularity

111.—(1) Section 68 of the Arbitration Act 1996⁽¹⁾ shall apply to arbitrations conducted in accordance with the Scheme, modified as shown in sub-paragraphs (2) to (6).

(2) A party to arbitral proceedings may (upon notice to the other party, to the arbitrator and to the Labour Relations Agency) apply to the High Court or the county court challenging an award in the proceedings on the ground of serious irregularity affecting the tribunal, the proceedings or the award. A party may lose the right to object (see Part XXII of the Scheme) and the right to apply is subject to the restrictions in section 70(2) and (3) as modified for the purposes of the Scheme.

(3) Serious irregularity means an irregularity of one or more of the following kinds which the court considers has caused or will cause substantial injustice to the applicant—

- (a) failure by the tribunal to comply with Part IX of the Scheme (General duty of the arbitrator);
- (b) the tribunal exceeding its powers (otherwise than by exceeding its substantive jurisdiction: see section 67 as modified for the purposes of the Scheme);
- (c) failure by the tribunal to conduct the proceedings in accordance with the procedure as set out in the Scheme;
- (d) failure by the tribunal to deal with all the issues that were put to it;
- (e) the Labour Relations Agency exceeding its powers;
- (f) uncertainty or ambiguity as to the effect of the award;
- (g) the award being obtained by fraud or the award or the way in which it was procured being contrary to public policy;
- (h) any irregularity in the conduct of the proceedings or in the award which is admitted by the tribunal or by the Labour Relations Agency.

(4) If there is shown to be serious irregularity affecting the tribunal, the proceedings or the award, the court may—

- (a) remit the award to the tribunal, in whole or in part, for reconsideration,
- (b) vary the award or set the award aside in whole or in part, or
- (c) declare the award to be of no effect, in whole or in part.

(5) The leave of the court is required for any appeal from a decision of the court under this section.

(6) In this section, “the Scheme” means the arbitration scheme set out in the Schedule to the Labour Relations Agency Arbitration Scheme Order (Northern Ireland) 2012.

(1) 1996 c. 23