



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

##### *Powers of the court in relation to award*

#### **70 Challenge or appeal: supplementary provisions.**

- (1) The following provisions apply to an application or appeal under section 67, 68 or 69.
- (2) An application or appeal may not be brought if the applicant or appellant has not first exhausted—
  - (a) any available arbitral process of appeal or review, and
  - (b) any available recourse under section 57 (correction of award or additional award).
- (3) Any application or appeal must be brought within 28 days of the date of the award or, if there has been any arbitral process of appeal or review, of the date when the applicant or appellant was notified of the result of that process.
- (4) If on an application or appeal it appears to the court that the award—
  - (a) does not contain the tribunal's reasons, or
  - (b) does not set out the tribunal's reasons in sufficient detail to enable the court properly to consider the application or appeal,the court may order the tribunal to state the reasons for its award in sufficient detail for that purpose.
- (5) Where the court makes an order under subsection (4), it may make such further order as it thinks fit with respect to any additional costs of the arbitration resulting from its order.

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*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Section 70. (See end of Document for details)*

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- (6) The court may order the applicant or appellant to provide security for the costs of the application or appeal, and may direct that the application or appeal be dismissed if the order is not complied with.

The power to order security for costs shall not be exercised on the ground that the applicant or appellant is—

- (a) an individual ordinarily resident outside the United Kingdom, or
  - (b) a corporation or association incorporated or formed under the law of a country outside the United Kingdom, or whose central management and control is exercised outside the United Kingdom.
- (7) The court may order that any money payable under the award shall be brought into court or otherwise secured pending the determination of the application or appeal, and may direct that the application or appeal be dismissed if the order is not complied with.
- (8) The court may grant leave to appeal subject to conditions to the same or similar effect as an order under subsection (6) or (7).

This does not affect the general discretion of the court to grant leave subject to conditions.

**Modifications etc. (not altering text)**

- C1** S. 70 applied (with modifications) (E.W.) (21.5.2001) by [S.I. 2001/1185, arts. 2, 3, Sch. para. 165\(1\)](#) (which amending S.I. was revoked (6.4.2004) by [S.I. 2004/753, art. 3](#) (subject to [art. 8](#)))
- C2** S. 70 applied (with modifications) (E.W.) (6.4.2003) by [The ACAS \(Flexible Working\) Arbitration Scheme \(England and Wales\) Order 2003 \(S.I. 2003/694\), art. 2, Sch. para. 116](#) (which amending S.I. was revoked (1.10.2004) by [S.I. 2004/2333, art. 3](#) (subject to [art. 6](#)))
- C3** S. 70 applied (with modifications) (E.W.) (6.4.2004) by [The ACAS Arbitration Scheme \(Great Britain\) Order 2004 \(S.I. 2004/753\), art. 1, Sch. para. 205EW](#)
- C4** S. 70 applied (with modifications) (E.W.) (1.10.2004) by [The ACAS \(Flexible Working\) Arbitration Scheme \(Great Britain\) Order 2004 \(S.I. 2004/2333\), art. 4, Sch. para. 156EW](#) (with [art. 6](#))
- C5** S. 70 applied (with modifications) (N.I.) (27.9.2012) by [The Labour Relations Agency Arbitration Scheme Order \(Northern Ireland\) 2012 \(S.R. 2012/301\), art. 1, Sch. para. 113](#)
- C6** s. 70(3) modified (E.W.) (25.3.2002) by [S.I. 2001/4015, Rule 29, Sch. Rule 62.9](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Section 70.