

## SCHEDULE

### ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

## PART XXIII

### CHALLENGING THE AWARD

#### **Time limits and other procedural restrictions on challenges to awards: English/Welsh arbitrations**

**156EW.** Section 70 of the Arbitration Act 1996(1) shall apply to English/Welsh arbitrations conducted in accordance with the Scheme, subject to the following modifications—

- (i) In subsection (1) after “section 67, 68 or 69” insert “(as modified for the purposes of the Scheme)”.
- (ii) In subsection (2)—
  - (a) omit paragraph (a);
  - (b) in paragraph (b) for “section 57 (correction of award or additional award)” substitute “Part XXI of the Scheme (Correction of Awards)”.

(1) 1996 c. 23. Section 70 of the Arbitration Act 1996 provides as follows—

“**70.**—(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.

(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.”

**Status:** This is the original version (as it was originally made).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

- (iii) *In subsection (3) for “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” substitute “the award was despatched to the applicant or appellant by ACAS or, if an application for a correction or additional award under paragraph 124 has been made and declined, the date on which the arbitrator’s decision was despatched to the applicant or appellant by ACAS”;*
- (iv) *Omit subsection (5).*
- (v) *After subsection (8) insert—*
  - “(9) In this section, “the Scheme” means the arbitration scheme set out in the Schedule to the ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004.”*