

SCHEDULE

ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

PART XXIII

CHALLENGING THE AWARD

Challenge or appeal: effect of order of the court

163EW. *Section 71 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 and 69” insert “(as modified for the purposes of the Scheme)”;*
- (ii) *After subsection (3) insert—*

“(3A) 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”
- (iii) *Omit subsection (4).*

(1) 1996 c. 23. Section 71 of the Arbitration Act 1996 provides as follows—

“**71.**—(1) The following provisions have effect where the court makes an order under section 67, 68 or 69 with respect to an award.

(2) Where the award is varied, the variation has effect as part of the tribunal’s award.

(3) Where the award is remitted to the tribunal, in whole or in part, for reconsideration, the tribunal shall make a fresh award in respect of the matters remitted within three months of the date of the order for remission or such longer or shorter period as the court may direct.

(4) Where the award is set aside or declared to be of no effect, in whole or in part, the court may also order that any provision that an award is a condition precedent to the bringing of legal proceedings in respect of a matter to which the arbitration agreement applies, is of no effect as regards the subject matter of the award or, as the case may be, the relevant part of the award.”