

## SCHEDULE

### ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

## PART XXII

### EFFECT OF AWARDS, ENFORCEMENT AND INTEREST

#### Effect of awards

**132.** Awards made by arbitrators under this Scheme are final and binding both on the parties and on any persons claiming through or under them.

**133.** This does not affect the right of a person to challenge an award under the provisions of the Arbitration Act 1996 as applied to this Scheme.

**134.** This does not affect the right of a person to challenge an award under Part XXIII below.

#### Enforcement

**135EW.** *Section 66 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) for “tribunal pursuant to an arbitration agreement” substitute “arbitrator pursuant to the Scheme”.*
- (ii) *In subsection (3) for “(see section 73)” substitute “(see Part XXIV of the Scheme)”.*
- (iii) *After subsection (4) insert—*
  - “(5) In this section—*
    - “the court” means the High Court or a county court; and*
    - “the Scheme” means the arbitration scheme set out in the Schedule to the ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004.”*

**136S.** In a Scottish arbitration any award (including any additional award, any correction of an award or any variation to an award) requiring the payment of money may be registered for execution.

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(1) 1996 c. 23. Section 66 of the Arbitration Act 1996 provides as follows:

“**66.**—(1) An award made by the tribunal pursuant to an arbitration agreement may, by leave of the court, be enforced in the same manner as a judgment or order of the court to the same effect.

(2) Where leave is so given, judgment may be enforced in terms of the award.

(3) Leave to enforce an award shall not be given where, or to the extent that, the person against whom it is sought to be enforced shows that the tribunal lacked substantive jurisdiction to make the award.

The right to raise such an objection may have been lost (see section 73).

(4) Nothing in this section affects the recognition or enforcement of an award under any other enactment or rule of law, in particular under Part II of the Arbitration Act 1950 (enforcement of awards under Geneva Convention) or the provisions of Part III of this Act relating to the recognition and enforcement of awards under the New York Convention or by an action on the award.”

**Status:** This is the original version (as it was originally made).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

## **Interest**

**137.** Awards of compensation that are not paid within 42 days of the date on which the award was despatched by ACAS to the Employer will attract interest on the same basis as for employment tribunal awards.