

SCHEDULE

ACAS ARBITRATION SCHEME

XXVIII. MISCELLANEOUS PROVISIONS

Powers of court in relation to service of documents

223EW. Section 77 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 “in the manner agreed by the parties, or in accordance with provisions of section 76 having effect in default of agreement,” substitute “in accordance with paragraphs 220 and 221”;
- (ii) in subsection (2), for “Unless otherwise agreed by the parties, the court” substitute “The High Court or Central London County Court”;
- (iii) in subsection (3), for “Any party to the arbitration agreement may apply” substitute “ACAS or any party to the Arbitration Agreement may apply”.

(1) Section 77 of the Arbitration Act 1996 provides as follows:

“77.—(1) This section applies where service of a document on a person in the manner agreed by the parties, or in accordance with provisions of section 76 having effect in default of agreement, is not reasonably practicable.

(2) Unless otherwise agreed by the parties, the court may make such order as it thinks fit—

- (a) for service in such manner as the court may direct, or
- (b) dispensing with service of the document.

(3) Any party to the arbitration agreement may apply for an order, but only after exhausting any available arbitral process for resolving the matter.

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