



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

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

#### **68 Challenging the award: serious irregularity.**

- (1) A party to arbitral proceedings may (upon notice to the other parties and to the tribunal) apply to the court challenging an award in the proceedings on the ground of serious irregularity affecting the tribunal, the proceedings or the award.

A party may lose the right to object (see section 73) and the right to apply is subject to the restrictions in section 70(2) and (3).

- (2) Serious irregularity means an irregularity of one or more of the following kinds which the court considers has caused or will cause substantial injustice to the applicant—
- (a) failure by the tribunal to comply with section 33 (general duty of tribunal);
  - (b) the tribunal exceeding its powers (otherwise than by exceeding its substantive jurisdiction: see section 67);
  - (c) failure by the tribunal to conduct the proceedings in accordance with the procedure agreed by the parties;
  - (d) failure by the tribunal to deal with all the issues that were put to it;
  - (e) any arbitral or other institution or person vested by the parties with powers in relation to the proceedings or the award exceeding its powers;
  - (f) uncertainty or ambiguity as to the effect of the award;
  - (g) the award being obtained by fraud or the award or the way in which it was procured being contrary to public policy;
  - (h) failure to comply with the requirements as to the form of the award; or
  - (i) any irregularity in the conduct of the proceedings or in the award which is admitted by the tribunal or by any arbitral or other institution or person vested by the parties with powers in relation to the proceedings or the award.

*Status: Point in time view as at 27/09/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Section 68. (See end of Document for details)*

- (3) If there is shown to be serious irregularity affecting the tribunal, the proceedings or the award, the court may—
- (a) remit the award to the tribunal, in whole or in part, for reconsideration,
  - (b) set the award aside in whole or in part, or
  - (c) declare the award to be of no effect, in whole or in part.

The court shall not exercise its power to set aside or to declare an award to be of no effect, in whole or in part, unless it is satisfied that it would be inappropriate to remit the matters in question to the tribunal for reconsideration.

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

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

- C1** S. 68 applied (with modifications) (E.W.) (21.5.2001) by [S.I. 2001/1185](#), arts. 2, 3, **Sch. para. 163(1)** (which amending S.I. was revoked (6.4.2004) by [S.I. 2004/753](#), **art. 3** (subject to art. 8))
- C2** S. 68 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. 114** (which amending S.I. was revoked (1.10.2004) by [S.I. 2004/2333](#), **art. 3** (subject to art. 6))
- C3** S. 68 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. 194EW**
- C4** S. 68 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. 145EW** (with art. 6)
- C5** S. 68 applied (with modifications) (N.I.) (21.5.2006) by [The Labour Relations Agency \(Flexible Working\) Arbitration Scheme Order \(Northern Ireland\) 2006 \(S.R. 2006/206\)](#), arts. 2, 3, **Sch. para. 114**
- C6** S. 68 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. 111**

**Status:**

Point in time view as at 27/09/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Section 68.