

SCHEDULE

ACAS ARBITRATION SCHEME

XXVII.

MISCELLANEOUS PROVISIONS

Powers of court in relation to service of documents

177.—(1) *Section 77 of the Arbitration Act 1996(1) shall apply to arbitrations conducted in accordance with the Scheme, subject to the following modifications.*

(2) *In subsection (1) omit “in the manner agreed by the parties, or in accordance with provisions of section 76 having effect in default of agreement,”.*

(3) *In subsection (2) for “Unless otherwise agreed by the parties, the court” substitute “The High Court or Central London County Court”.*

(4) *In subsection (3) for “Any party to the arbitration agreement may apply” substitute “ACAS or any party to the arbitration agreement may apply”.*

(1) 1996 c. 23.

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.”

Sections 78(2), (3), (4) and (5) of the Arbitration Act 1996 provide as follows:

“**78.**—(2) If or to the extent there is no such agreement, periods of time shall be reckoned in accordance with the following provisions.

(3) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(4) Where the act is required to be done a specified number of clear days after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(5) Where the period is a period of seven days or less which would include a Saturday, Sunday or a public holiday in the place where anything which has to be done within the period falls to be done, that day shall be excluded.

In relation to England and Wales or Northern Ireland, a “public holiday” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday.”