

## SCHEDULE 6

### III ENFORCEMENT

#### Enforcement of awards

**62.18.**—(1) An application for permission under—

- (a) section 66 of the 1996 Act<sup>(1)</sup>;
- (b) section 101 of the 1996 Act;
- (c) section 26 of the 1950 Act<sup>(2)</sup>; or
- (d) section 3(1)(a) of the 1975 Act<sup>(3)</sup>,

to enforce an award in the same manner as a judgment or order may be made without notice in an arbitration claim form.

(2) The court may specify parties to the arbitration on whom the arbitration claim form must be served.

(3) The parties on whom the arbitration claim form is served must acknowledge service and the enforcement proceedings will continue as if they were an arbitration claim under Section I of this Part.

(4) With the permission of the court the arbitration claim form may be served out of the jurisdiction irrespective of where the award is, or is treated as, made.

(5) Where the applicant applies to enforce an agreed award within the meaning of section 51(2) of the 1996 Act—

- (a) the arbitration claim form must state that the award is an agreed award; and
- (b) any order made by the court must also contain such a statement.

(6) An application for permission must be supported by written evidence—

- (a) exhibiting—
  - (i) where the application is made under section 66 of the 1996 Act or under section 26 of the 1950 Act, the arbitration agreement and the original award (or copies);
  - (ii) where the application is under section 101 of the 1996 Act, the documents required to be produced by section 102 of that Act; or
  - (iii) where the application is under section 3(1)(a) of the 1975 Act, the documents required to be produced by section 4 of that Act;
- (b) stating the name and the usual or last known place of residence or business of the claimant and of the person against whom it is sought to enforce the award; and
- (c) stating either—
  - (i) that the award has not been complied with; or
  - (ii) the extent to which it has not been complied with at the date of the application.

(7) An order giving permission must—

- (a) be drawn up by the claimant; and

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(1) 1996 c. 23.

(2) 1950 c. 27; section 26 was repealed by the Arbitration Act 1996 (c. 23), section 107(2) and Schedule 4 but continues to apply to claims commenced before 31st January 1997 by virtue of the Arbitration Act 1996 (Commencement No. 1) Order 1996 (S.I. 1996/3146), article 4 and Schedule 2.

(3) 1975 c. 3; repealed by the Arbitration Act 1996 (c. 23), section 107(2) and Schedule 4 but continues to apply to claims commenced before 31st January 1997 by virtue of the Arbitration Act 1996 (Commencement No. 1) Order 1996 (S.I. 1996/3146), article 4 and Schedule 2.

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

- (b) be served on the defendant by—
  - (i) delivering a copy to him personally; or
  - (ii) sending a copy to him at his usual or last known place of residence or business.
- (8) An order giving permission may be served out of the jurisdiction—
  - (a) without permission; and
  - (b) in accordance with rules 6.24 to 6.29 as if the order were an arbitration claim form.
- (9) Within 14 days after service of the order or, if the order is to be served out of the jurisdiction, within such other period as the court may set—
  - (a) the defendant may apply to set aside the order; and
  - (b) the award must not be enforced until after—
    - (i) the end of that period; or
    - (ii) any application made by the defendant within that period has been finally disposed of.
- (10) The order must contain a statement of—
  - (a) the right to make an application to set the order aside; and
  - (b) the restrictions on enforcement under rule 62.18(9)(b).
- (11) Where a body corporate is a party any reference in this rule to place of residence or business shall have effect as if the reference were to the registered or principal address of the body corporate.