

SCHEDULE

ACAS ARBITRATION SCHEME

IX. APPOINTMENT OF AN ARBITRATOR

Removal of arbitrators: English/Welsh arbitrations

46EW. An arbitrator in an English/Welsh arbitration may only be removed by ACAS or the court (under the provisions in paragraphs 47EW to 53EW below).

47EW. Applications under the Scheme to remove an arbitrator on any of the grounds set out in sections 24(1)(a) and (c) of the Arbitration Act 1996, or on the basis that such removal has been agreed by both parties, shall be made in the first instance to ACAS (addressed to the ACAS Arbitration Section).

48EW. At the same time as an application is made to ACAS to remove an arbitrator a copy of the application shall be sent to the other party to the arbitration and to the arbitrator.

49EW. ACAS shall, following receipt of an application under paragraph 48EW, give the other party to the arbitration and the arbitrator such opportunity as ACAS in its sole discretion may consider appropriate to comment on the application.

50EW. ACAS may, after such procedures as ACAS in its sole discretion may consider appropriate, remove the arbitrator.

51EW. If ACAS refuses an application made under paragraph 47EW, a party may thereafter apply to the court.

52EW. Sections 24(1)(a) and (c), 24(2), 24(3), 24(5) and 24(6) of the Arbitration Act 1996⁽¹⁾ shall apply to arbitrations conducted in accordance with the Scheme, subject to the following modifications:

- (i) In subsection (1), for “(upon notice to the other parties, to the arbitrator concerned and to any other arbitrator) apply to the court” substitute “(upon notice to the other

(1) 1996 c. 23. Sections 24(1)(a) and (c), (2), (3), (5) and (6) of the Arbitration Act 1996 provide as follows:

“**24.**—(1) A party to arbitral proceedings may (upon notice to the other parties, to the arbitrator concerned and to any other arbitrator) apply to the court to remove an arbitrator on any of the following grounds—

- (a) that circumstances exist that give rise to justifiable doubts as to his impartiality;

...

- (c) that he is physically or mentally incapable of conducting the proceedings or there are justifiable doubts as to his capacity to do so;

...

(2) If there is an arbitral or other institution or person vested by the parties with power to remove an arbitrator, the court shall not exercise its power of removal unless satisfied that the applicant has first exhausted any available recourse to that institution or person.

(3) The arbitral tribunal may continue the arbitral proceedings and make an award while an application to the court under this section is pending.

...

(5) The arbitrator concerned is entitled to appear and be heard by the court before it makes any order under this section.

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

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

party, to the arbitrator concerned and to the Advisory, Conciliation and Arbitration Service (“ACAS”)) apply to the High Court or Central London County Court”.

(ii) In subsection (2)—

- (a) omit “If there is an arbitral or other institution or person vested by the parties with power to remove an arbitrator,”; and
- (b) for “that institution or person” substitute “ACAS”.

53EW. The arbitrator may continue the proceedings and make an award while an application to ACAS (as well as the court) to remove him or her is pending.