



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

##### *Costs of the arbitration*

#### **63 The recoverable costs of the arbitration.**

- (1) The parties are free to agree what costs of the arbitration are recoverable.
- (2) If or to the extent there is no such agreement, the following provisions apply.
- (3) The tribunal may determine by award the recoverable costs of the arbitration on such basis as it thinks fit.

If it does so, it shall specify—

- (a) the basis on which it has acted, and
  - (b) the items of recoverable costs and the amount referable to each.
- (4) If the tribunal does not determine the recoverable costs of the arbitration, any party to the arbitral proceedings may apply to the court (upon notice to the other parties) which may—
    - (a) determine the recoverable costs of the arbitration on such basis as it thinks fit, or
    - (b) order that they shall be determined by such means and upon such terms as it may specify.
  - (5) Unless the tribunal or the court determines otherwise—
    - (a) the recoverable costs of the arbitration shall be determined on the basis that there shall be allowed a reasonable amount in respect of all costs reasonably incurred, and
    - (b) any doubt as to whether costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the paying party.

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*Changes to legislation: There are currently no known outstanding effects  
for the Arbitration Act 1996, Section 63. (See end of Document for details)*

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- (6) The above provisions have effect subject to section 64 (recoverable fees and expenses of arbitrators).
- (7) Nothing in this section affects any right of the arbitrators, any expert, legal adviser or assessor appointed by the tribunal, or any arbitral institution, to payment of their fees and expenses.

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Section 63.