



Arbitration (International Investment Disputes) Act 1966

1966 CHAPTER 41

Enforcement of Convention awards

1 Registration of Convention awards.

- (1) This section has effect as respects awards rendered pursuant to the Convention on the settlement of investment disputes between States and nationals of other States which was opened for signature in Washington on 18th March 1965.

That Convention is in this Act called “the Convention”, and its text is set out in the Schedule to this Act.

- (2) A person seeking recognition or enforcement of such an award shall be entitled to have the award registered in the High Court subject to proof of the prescribed matters and to the other provisions of this Act.

- (3)^{F1}

- (4) In addition to the pecuniary obligations imposed by the award, the award shall be registered for the reasonable costs of and incidental to registration.

- (5) If at the date of the application for registration the pecuniary obligations imposed by the award have been partly satisfied, the award shall be registered only in respect of the balance, and accordingly if those obligations have then been wholly satisfied, the award shall not be registered.

- (6) The power to make rules of court under section [F2]99 of the ^{M1}Supreme Court of Judicature (Consolidation) Act 1925][F2]84 of the [F3]Senior Courts Act 1981]] shall include power—

- (a) to prescribe the procedure for applying for registration under this section, and to require an applicant to give prior notice of his intention to other parties,
- (b) to prescribe the matters to be proved on the application and the manner of proof, and in particular to require the applicant to furnish a copy of the award certified pursuant to the Convention,

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- (c) to provide for the service of notice of registration of the award by the applicant on other parties,
- and in this and the next following section “prescribed” means prescribed by rules of court.
- (7) For the purposes of this and the next following section—
- (a) “award” shall include any decision interpreting, revising or annulling an award, being a decision pursuant to the Convention, and any decision as to costs which under the Convention is to form part of the award,
- (b) an award shall be deemed to have been rendered pursuant to the Convention on the date on which certified copies of the award were pursuant to the Convention dispatched to the parties.
- (8) This and the next following section shall bind the Crown (but not so as to make an award enforceable against the Crown in a manner in which a judgment would not be enforceable against the Crown).

Textual Amendments

- F1** S. 1(3) repealed by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), ss. 4, 32, **Sch. 5 Pt. I** (with saving in s. 4(4) in relation to judgments and awards registered before 29.8.1977)
- F2** Words “84 of the Supreme Court Act 1981” substituted (E.W.) for words “99 of the Supreme Court of Judicature (Consolidation) Act 1925” by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), **Sch. 5**
- F3** S. 1(6): words "Senior Courts Act 1981" substituted (1.10.2009) for "Supreme Court Act 1981" by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(d)**

Marginal Citations

- M1** 1925 c. 49.

2 Effect of registration.

- (1) Subject to the provisions of this Act, an award registered under section 1 above shall, as respects the pecuniary obligations which it imposes, be of the same force and effect for the purposes of execution as if it had been a judgment of the High Court given when the award was rendered pursuant to the Convention and entered on the date of registration under this Act, and, so far as relates to such pecuniary obligations—
- (a) proceedings may be taken on the award,
- (b) the sum for which the award is registered shall carry interest,
- (c) the High Court shall have the same control over the execution of the award, as if the award had been such a judgment of the High Court.
- (2) Rules of court under section ^{F4}99 of the ^{M2}Supreme Court of Judicature (Consolidation) Act 1925^{F4}84 of the ^{F5}Senior Courts Act 1981^{F5} may contain provisions requiring the court on proof of the prescribed matters to stay execution of any award registered under this Act so as to take account of cases where enforcement of the award has been stayed (whether provisionally or otherwise) pursuant to the Convention, and may provide for the provisional stay of execution of the award where an application is made pursuant to the Convention which, if granted, might result in a stay of enforcement of the award.

Textual Amendments

- F4** Words “84 of the Supreme Court Act 1981” substituted (E.W.) for words “99 of the Supreme Court of Judicature (Consolidation) Act 1925” by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5](#)
- F5** [S. 2\(2\)](#): words "Senior Courts Act 1981" substituted (1.10.2009) for "Supreme Court Act 1981" by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

Marginal Citations

- M2** 1925 c. 49.

Procedural provisions

[^{F6}3] **Application of provisions of Arbitration Act 1996.**

- (1) The Lord Chancellor may by order direct that any of the provisions contained in sections 36 and 38 to 44 of the Arbitration Act 1996 (provisions concerning the conduct of arbitral proceedings, &c.) shall apply to such proceedings pursuant to the Convention as are specified in the order with or without any modifications or exceptions specified in the order.
- (2) Subject to subsection (1), the Arbitration Act 1996 shall not apply to proceedings pursuant to the Convention, but this subsection shall not be taken as affecting section 9 of that Act (stay of legal proceedings in respect of matter subject to arbitration).
- (3) An order made under this section—
 - (a) may be varied or revoked by a subsequent order so made, and
 - (b) shall be contained in a statutory instrument.]

Textual Amendments

- F6** [S. 3](#) substituted (31.1.1997) by [1996 c. 23](#), s. 107(1), [Sch. 3 para. 24](#); S.I. 1996/3146, [art. 3](#)

Immunities and privileges

4 Status, immunities and privileges conferred by the Convention.

- (1) In Section 6 of Chapter I of the Convention (which governs the status, immunities and privileges of the International Centre for Settlements of Investment Disputes established by the Convention, of members of its Council and Secretariat and of persons concerned with conciliation or arbitration under the Convention) Articles 18 to 20, Article 21(a) (with Article 22 as it applies Article 21(a)) Article 23(1) and Article 24 shall have the force of law.
- (2) Nothing in Article 24(1) of the Convention as given the force of law by this section shall be construed as—
 - (a) entitling the said Centre to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported, or
 - (b) conferring on that Centre any exemption from duties or taxes which form part of the price of goods sold, or

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- (c) conferring on that Centre any exemption from duties or taxes which are no more than charges for services rendered.
- (3) For the purposes of Article 20 and Article 21(a) of the Convention as given the force of law by this section, a statement to the effect that the said Centre has waived an immunity in the circumstances specified in the statement, being a statement certified by the Secretary-General of the said Centre (or by the person acting as Secretary-General), shall be conclusive evidence.

Supplemental

5 Government contribution to expenses under the Convention.

The Treasury may discharge any obligations of Her Majesty's Government in the United Kingdom arising under Article 17 of the Convention (which obliges the Contracting States to meet any deficit of the International Centre for Settlement of Investment Disputes established under the Convention), and any sums required for that purpose shall be met out of money provided by Parliament.

6 Application to British possessions, etc.

- (1) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to—
- (a) the Isle of Man,
 - (b) any of the Channel Islands,
 - (c) any colony, or any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or any territory consisting partly of one or more colonies and partly of one or more such countries or places.
- (2) An Order in Council under this section—
- (a) may contain such transitional and other supplemental provisions as appear to Her Majesty to be expedient;
 - (b) may be varied or revoked by a subsequent Order in Council under this section.

7 Application to Scotland.

In the application of this Act to Scotland—

- (a) for any reference to the High Court there shall be substituted a reference to the Court of Session;
- (b) the Court of Session shall have power by Act of Sederunt to make rules for the purposes specified in section 1(6) and section 2(2) of this Act;
- (c) registration under section 1 of this Act shall be effected by registering in the Books of Council and Session, or in such manner as the Court of Session may be Act of Sederunt prescribe;
- (d) for any reference to the entering of a judgment there shall be substituted a reference to the signing of the interlocutor embodying the judgment;
- (e) for section 3 of this Act there shall be substituted the following section:—

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“3 Proceedings in Scotland.

- (1) The Secretary of State may by order make provision, in relation to such proceedings pursuant to the Convention as are specified in the order, being proceedings taking place in Scotland, for the attendance of witnesses, the taking of evidence and the production of documents.
- (2) ^{F7}
- (3) An order made under this section—
 - (a) may be varied or revoked by a subsequent order so made, and
 - (b) shall be contained in a statutory instrument.”

and in any reference in this Act, or in the Convention as given the force of law in Scotland by this Act, to the staying of execution or enforcement of an award registered under this Act the expression “stay” shall be construed as meaning sist.

Textual Amendments

- F7** S. 7(e), subsection (2) of s. 3 there set out, repealed by [Evidence \(Proceedings in Other Jurisdictions\) Act 1975 \(c. 34\), s. 10\(2\), Sch. 2](#)

8 Application to Northern Ireland.

In the application of this Act to Northern Ireland—

- (a) references to the High Court shall, unless the context otherwise requires, be construed as references to the High Court in Northern Ireland,
- (b) for the references to section 99 of the ^{M3}Supreme Court of Judicature (Consolidation) Act 1925 there shall be substituted references to [^{F8}section 55 of the Judicature (Northern Ireland) Act 1978].
- [^{F9}(c) in relation to the power by order under section 3 to direct that provisions of the Arbitration Act 1996 ^{M4} shall apply to such proceedings pursuant to the Convention as are specified in the order, being proceedings taking place in Northern Ireland, for the reference in that section to the Lord Chancellor there shall be substituted a reference to the Department of Justice in Northern Ireland;
- (d) section 3(3)(b) shall not apply to an order made by the Department of Justice in Northern Ireland under section 3; but any such order shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]

Textual Amendments

- F8** Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\), s. 122\(1\), Sch. 5 Pt. II](#)
- F9** S. 8(c)(d) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 15\(5\), Sch. 18 para. 1\(2\)](#) (with arts. 28-31)

Marginal Citations

- M3** 1925 c. 49.
- M4** 1996 c. 23.

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9 Short title and commencement.

- (1) This Act may be cited as the Arbitration (International Investment Disputes) Act 1966.
- (2) This Act shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom.

Changes to legislation:

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