



# Arbitration Act 1975

## 1975 CHAPTER 3

### *Enforcement of Convention awards*

#### **2 Replacement of former provisions**

Sections 3 to 6 of this Act shall have effect with respect to the enforcement of Convention awards; and where a Convention award would, but for this section, be also a foreign award within the meaning of Part II of the Arbitration Act 1950, that Part shall not apply to it.

#### **3 Effect of Convention awards**

- (1) A Convention award shall, subject to the following provisions of this Act, be enforceable—
- (a) in England and Wales, either by action or in the same manner as the award of an arbitrator is enforceable by virtue of section 26 of the Arbitration Act 1950;
  - (b) in Scotland, either by action or, in a case where the arbitration agreement contains consent to the registration of the award in the Books of Council and Session for execution and the award is so registered, by summary diligence;
  - (c) in Northern Ireland, either by action or in the same manner as the award, of an arbitrator is enforceable by virtue of section 16 of the Arbitration Act (Northern Ireland) 1937.
- (2) Any Convention award which would be enforceable under this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal proceedings in the United Kingdom; and any reference in this Act to enforcing a Convention award shall be construed as including references to relying on such an award.

#### **4 Evidence**

The party seeking to enforce a Convention award must produce—

- (a) the duly authenticated original award or a duly certified copy of it; and

- (b) the original arbitration agreement or a duly certified copy of it; and
- (c) where the award or agreement is in a foreign language, a translation of it certified by an official or sworn translator or by a diplomatic or consular agent.

## **5 Refusal of enforcement**

- (1) Enforcement of a Convention award shall not be refused except in the cases mentioned in this section.
- (2) Enforcement of a Convention award may be refused if the person against whom it is invoked proves—
  - (a) that a party to the arbitration agreement was (under the law applicable to him) under some incapacity ; or
  - (b) that the arbitration agreement was not valid under the law to which the parties subjected it or, failing any indication thereon, under the law of the country where the award was made ; or
  - (c) that he was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case ; or
  - (d) (subject to subsection (4) of this section) that the award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration or contains decisions on matters beyond the scope of the submission to arbitration ; or
  - (e) that the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, with the law of the country where the arbitration took place; or
  - (f) that the award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, it was made.
- (3) Enforcement of a Convention award may also be refused if the award is in respect of a matter which is not capable of settlement by arbitration, or if it would be contrary to public policy to enforce the award,
- (4) A Convention award which contains decisions on matters not submitted to arbitration may be enforced to the extent that it contains decisions on matters submitted to arbitration which can be separated from those on matters not so submitted.
- (5) Where an application for the setting aside or suspension of a Convention award has been made to such a competent authority as is mentioned in subsection (2)(f) of this section, the court before which enforcement of the award is sought may, if it thinks fit, adjourn the proceedings and may, on the application of the party seeking to enforce the award, order the other party to give security.

## **6 Saving**

Nothing in this Act shall prejudice any right to enforce or rely on an award otherwise than under this Act or Part II of the Arbitration Act 1950.