



# Arbitration Act 1996

## CHAPTER 23

### ARBITRATION ACT 1996

#### PART I

##### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

###### *Introductory*

- 1 General principles.
- 2 Scope of application of provisions.
- 3 The seat of the arbitration.
- 4 Mandatory and non-mandatory provisions.
- 5 Agreements to be in writing.

###### *The arbitration agreement*

- 6 Definition of arbitration agreement.
- 7 Separability of arbitration agreement.
- 8 Whether agreement discharged by death of a party.

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- 9 Stay of legal proceedings.
- 10 Reference of interpleader issue to arbitration.
- 11 Retention of security where Admiralty proceedings stayed.

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- 12 Power of court to extend time for beginning arbitral proceedings, &c.
- 13 Application of Limitation Acts.
- 14 Commencement of arbitral proceedings.

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- 15 The arbitral tribunal.
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- 17 Power in case of default to appoint sole arbitrator.
- 18 Failure of appointment procedure.
- 19 Court to have regard to agreed qualifications.
- 20 Chairman.
- 21 Umpire.
- 22 Decision-making where no chairman or umpire.
- 23 Revocation of arbitrator's authority.
- 24 Power of court to remove arbitrator.
- 25 Resignation of arbitrator.
- 26 Death of arbitrator or person appointing him.
- 27 Filling of vacancy, &c.
- 28 Joint and several liability of parties to arbitrators for fees and expenses.
- 29 Immunity of arbitrator.

### *Jurisdiction of the arbitral tribunal*

- 30 Competence of tribunal to rule on its own jurisdiction.
- 31 Objection to substantive jurisdiction of tribunal.
- 32 Determination of preliminary point of jurisdiction.

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- 33 General duty of the tribunal.
- 34 Procedural and evidential matters.
- 35 Consolidation of proceedings and concurrent hearings.
- 36 Legal or other representation.
- 37 Power to appoint experts, legal advisers or assessors.
- 38 General powers exercisable by the tribunal.
- 39 Power to make provisional awards.
- 40 General duty of parties.
- 41 Powers of tribunal in case of party's default.

### *Powers of court in relation to arbitral proceedings*

- 42 Enforcement of peremptory orders of tribunal.
- 43 Securing the attendance of witnesses.
- 44 Court powers exercisable in support of arbitral proceedings.
- 45 Determination of preliminary point of law.

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- 47 Awards on different issues, &c.
- 48 Remedies.
- 49 Interest.
- 50 Extension of time for making award.
- 51 Settlement.
- 52 Form of award.
- 53 Place where award treated as made.
- 54 Date of award.
- 55 Notification of award.

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- 56 Power to withhold award in case of non-payment.
- 57 Correction of award or additional award.
- 58 Effect of award.

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- 59 Costs of the arbitration.
- 60 Agreement to pay costs in any event.
- 61 Award of costs.
- 62 Effect of agreement or award about costs.
- 63 The recoverable costs of the arbitration.
- 64 Recoverable fees and expenses of arbitrators.
- 65 Power to limit recoverable costs.

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- 66 Enforcement of the award.
- 67 Challenging the award: substantive jurisdiction.
- 68 Challenging the award: serious irregularity.
- 69 Appeal on point of law.
- 70 Challenge or appeal: supplementary provisions.
- 71 Challenge or appeal: effect of order of court.

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- 73 Loss of right to object.
- 74 Immunity of arbitral institutions, &c.
- 75 Charge to secure payment of solicitors' costs.

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- 78 Reckoning periods of time.
- 79 Power of court to extend time limits relating to arbitral proceedings.
- 80 Notice and other requirements in connection with legal proceedings.
- 81 Saving for certain matters governed by common law.
- 82 Minor definitions.
- 83 Index of defined expressions: Part I.
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- 85 Modification of Part I in relation to domestic arbitration agreement.
- 86 Staying of legal proceedings.
- 87 Effectiveness of agreement to exclude court's jurisdiction.
- 88 Power to repeal or amend sections 85 to 87.

#### *Consumer arbitration agreements*

- 89 Application of unfair terms regulations to consumer arbitration agreements.

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- 90 Part applies where consumer is a legal person
- 91 Arbitration agreement unfair where modest amount sought.

*Small claims arbitration in the county court*

- 92 Exclusion of Part I in relation to small claims arbitration in the county court.

*Appointment of judges as arbitrators*

- 93 Appointment of judges as arbitrators.

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- 95 General adaptation of provisions in relation to statutory arbitrations.
- 96 Specific adaptations of provisions in relation to statutory arbitrations.
- 97 Provisions excluded from applying to statutory arbitrations.
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*Recognition and enforcement of New York Convention awards*

- 100 New York Convention awards.
- 101 Recognition and enforcement of awards.
- 102 Evidence to be produced by party seeking recognition or enforcement.
- 103 Refusal of recognition or enforcement.
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- 106 Crown application.
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- 108 Extent.
- 109 Commencement.
- 110 Short title.

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**SCHEDULES**

SCHEDULE 1 — Mandatory provisions of Part I  
sections 9 to 11 (stay of legal proceedings); section 12...

SCHEDULE 2 — Modifications of Part I in relation to judge-arbitrators

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### *Introductory*

- 1 In this Schedule “judge-arbitrator” means an eligible High Court judge...

### *General*

- 2 (1) Subject to the following provisions of this Schedule, references...

### *Arbitrator’s fees*

- 3 (1) The power of the court in section 28(2) to...

### *Exercise of court powers in support of arbitration*

- 4 (1) Where the arbitral tribunal consists of or includes a...

### *Extension of time for making award*

- 5 (1) The power conferred by section 50 (extension of time...

### *Withholding award in case of non-payment*

- 6 (1) The provisions of paragraph 7 apply in place of...  
7 (1) A judge-arbitrator may refuse to deliver an award except...

### *Correction of award or additional award*

- 8 Subsections (4) to (6) of section 57 (correction of award...

### *Costs*

- 9 Where the arbitral tribunal consists of or includes a judge-arbitrator...  
10 (1) The power of the court under section 64 to...

### *Enforcement of award*

- 11 The leave of the court required by section 66 (enforcement...

### *Solicitors’ costs*

- 12 The powers of the court to make declarations and orders...

### *Powers of court in relation to service of documents*

- 13 (1) The power of the court under section 77(2) (powers...

### *Powers of court to extend time limits relating to arbitral proceedings*

- 14 (1) The power conferred by section 79 (power of court...

## SCHEDULE 3 — Consequential amendments

### *Merchant Shipping Act 1894 (c.60)*

- 1 In section 496 of the Merchant Shipping Act 1894 (provisions...

### *Stannaries Court (Abolition) Act 1896 (c.45)*

- 2 In section 4(1) of the Stannaries Court (Abolition) Act 1896...

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*Tithe Act 1936 (c.43)*

3 In section 39(1) of the Tithe Act 1936 (proceedings of...

*Education Act 1944 (c.31)*

4 .....

*Commonwealth Telegraphs Act 1949 (c.39)*

5 In section 8(2) of the Commonwealth Telegraphs Act 1949  
(proceedings...

*Lands Tribunal Act 1949 (c.42)*

6 In section 3 of the Lands Tribunal Act 1949 (proceedings...

*Wireless Telegraphy Act 1949 (c.54)*

7 In the Wireless Telegraphy Act 1949, Schedule 2 (procedure of...

*Patents Act 1949 (c.87)*

8 In section 67 of the Patents Act 1949 (proceedings as...

*National Health Service (Amendment) Act 1949 (c.93)*

9 In section 7(8) of the National Health Service (Amendment) Act...

*Arbitration Act 1950 (c.27)*

10 In section 36(1) of the Arbitration Act 1950 (effect of...

*Interpretation Act (Northern Ireland) 1954 (c.33 (N.I.))*

11 In section 46(2) of the Interpretation Act (Northern Ireland) 1954...

*Agricultural Marketing Act 1958 (c.47)*

12 In section 12(1) of the Agricultural Marketing Act 1958 (application...

*Carriage by Air Act 1961 (c.27)*

13 (1) The Carriage by Air Act 1961 is amended as...

*Factories Act 1961 (c.34)*

14 In the Factories Act 1961, for section 171 (application of...

*Clergy Pensions Measure 1961 (No. 3)*

15 In the Clergy Pensions Measure 1961, section 38(4) (determination of...

*Transport Act 1962 (c.46)*

16 (1) The Transport Act 1962 is amended as follows.

*Corn Rents Act 1963 (c.14)*

17 In the Corn Rents Act 1963, section 1(5) (schemes for...

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- 18 .....  
*Plant Varieties and Seeds Act 1964 (c.14)*
- 19 In section 9 of the Lands Tribunal and Compensation Act...  
*Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c.29 (N.I.))*
- 20 (1) Section 60 of the Industrial and Provident Societies Act...  
*Industrial and Provident Societies Act 1965 (c.12)*
- 21 In section 7(2) of the Carriage of Goods by Road...  
*Carriage of Goods by Road Act 1965 (c.37)*
- 22 In section 171 of the Factories Act (Northern Ireland) 1965...  
*Factories Act (Northern Ireland) 1965 (c.20 (N.I.))*
- 23 In section 1(3) of the Commonwealth Secretariat Act 1966 (contracts...  
*Commonwealth Secretariat Act 1966 (c.10)*
- 24 In the Arbitration (International Investment Disputes) Act 1966, for section...  
*Arbitration (International Investment Disputes) Act 1966 (c.41)*
- 25 In paragraph 10(4) of the Schedule to the Poultry Improvement...  
*Poultry Improvement Act (Northern Ireland) 1968 (c.12 (N.I.))*
- 26 (1) Section 69 of the Industrial and Provident Societies Act...  
*Industrial and Provident Societies Act (Northern Ireland) 1969 (c.24 (N.I.))*
- 27 In Article 105(6) of the Health and Personal Social Services...  
*Health and Personal Social Services (Northern Ireland) Order 1972 (N.I.14)*
- 28 (1) Section 146 of the Consumer Credit Act 1974 is...  
*Consumer Credit Act 1974 (c.39)*
- 29 (1) The Friendly Societies Act 1974 is amended as follows....  
*Friendly Societies Act 1974 (c.46)*
- 30 In Schedule 3 to the Industry Act (arbitration of disputes...  
*Industry Act 1975 (c.68)*
- 31 .....  
*Industrial Relations (Northern Ireland) Order 1976 (N.I.16)*
- 32 In Schedule 7 to the Aircraft and Shipbuilding Industries Act...  
*Aircraft and Shipbuilding Industries Act 1977 (c.3)*

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*Patents Act 1977 (c.37)*

33 In section 130 of the Patents Act 1977 (interpretation), in...

*Judicature (Northern Ireland) Act 1978 (c.23)*

34 (1) The Judicature (Northern Ireland) Act 1978 is amended as...

*Health and Safety at Work (Northern Ireland) Order 1978 (N.I.9)*

35 In Schedule 4 to the Health and Safety at Work...

*County Courts (Northern Ireland) Order 1980 (N.I.3)*

36 (1) The County Courts (Northern Ireland) Order 1980 is amended...

*Supreme Court Act 1981 (c.54)*

37 (1) The Supreme Court Act 1981 is amended as follows....

*Merchant Shipping (Liner Conferences) Act 1982 (c.37)*

38 In section 7(5) of the Merchant Shipping (Liner Conferences) Act...

*Agricultural Marketing (Northern Ireland) Order 1982 (N.I.12)*

39 In Article 14 of the Agricultural Marketing (Northern Ireland) Order...

*Mental Health Act 1983 (c.20)*

40 In section 78 of the Mental Health Act 1983 (procedure...

*Registered Homes Act 1984 (c.23)*

41 In section 43 of the Registered Homes Act 1984 (procedure...

*Housing Act 1985 (c.68)*

42 In section 47(3) of the Housing Act 1985 (agreement as...

*Landlord and Tenant Act 1985 (c.70)*

43 .....

*Credit Unions (Northern Ireland) Order 1985 (N.I.12)*

44 (1) Article 72 of the Credit Unions (Northern Ireland) Order...

*Agricultural Holdings Act 1986 (c.5)*

45 In section 84(1) of the Agricultural Holdings Act 1986 (provisions...

*Insolvency Act 1986 (c.45)*

46 In the Insolvency Act 1986, after section 349 insert— Arbitration...

*Building Societies Act 1986 (c.53)*

47 In Part II of Schedule 14 to the Building Societies...



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- Mental Health (Northern Ireland) Order 1986 (N.I.4)*
- 48 In Article 83 of the Mental Health (Northern Ireland) Order...
- Multilateral Investment Guarantee Agency Act 1988 (c.8)*
- 49 For section 6 of the Multilateral Investment Guarantee Agency Act...
- Copyright, Designs and Patents Act 1988 (c.48)*
- 50 In section 150 of the Copyright, Designs and Patents Act...
- Fair Employment (Northern Ireland) Act 1989 (c.32)*
- 51 .....
- Limitation (Northern Ireland) Order 1989 (N.I.11)*
- 52 In Article 2(2) of the Limitation (Northern Ireland) Order 1989...
- Insolvency (Northern Ireland) Order 1989 (N.I.19)*
- 53 In the Insolvency (Northern Ireland) Order 1989, after Article 320...
- Social Security Administration Act 1992 (c.5)*
- 54 In section 59 of the Social Security Administration Act 1992...
- Social Security Administration (Northern Ireland) Act 1992 (c.8)*
- 55 .....
- Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)*
- 56 In sections 212(5) and 263(6) of the Trade Union and...
- Industrial Relations (Northern Ireland) Order 1992 (N.I.5)*
- 57 In Articles 84(9) and 92(5) of the Industrial Relations (Northern...
- Registered Homes (Northern Ireland) Order 1992 (N.I.20)*
- 58 In Article 33(3) of the Registered Homes (Northern Ireland) Order...
- Education Act 1993 (c.35)*
- 59 .....
- Roads (Northern Ireland) Order 1993 (N.I.15)*
- 60 (1) The Roads (Northern Ireland) Order 1993 is amended as...
- Merchant Shipping Act 1995 (c.21)*
- 61 In Part II of Schedule 6 to the Merchant Shipping...
- Employment Tribunals Act 1996 (c.17)*
- 62 In section 6(2) of the Employment Tribunals Act 1996 (procedure...

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## SCHEDULE 4 — Repeals

**Status:**

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**Changes to legislation:**

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