



# 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.

###### *Stay of legal proceedings*

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

###### *Commencement of arbitral proceedings*

- 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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### *The arbitral tribunal*

- 15 The arbitral tribunal.
- 16 Procedure for appointment of arbitrators.
- 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.

### *The arbitral proceedings*

- 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.

### *The award*

- 46 Rules applicable to substance of dispute.
- 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.

#### *Costs of the arbitration*

- 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.

#### *Powers of the court in relation to award*

- 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.

#### *Miscellaneous*

- 72 Saving for rights of person who takes no part in proceedings.
- 73 Loss of right to object.
- 74 Immunity of arbitral institutions, &c.
- 75 Charge to secure payment of solicitors' costs.

#### *Supplementary*

- 76 Service of notices, &c.
- 77 Powers of court in relation to service of documents.
- 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.
- 84 Transitional provisions.

## **PART II**

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#### *Domestic arbitration agreements*

- 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 Regulations apply 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.

*Statutory arbitrations*

- 94 Application of Part I to statutory arbitrations.  
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.  
98 Power to make further provision by regulations.

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*Enforcement of Geneva Convention awards*

- 99 Continuation of Part II of the Arbitration Act 1950.

*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.  
104 Saving for other bases of recognition or enforcement.

**PART IV**

GENERAL PROVISIONS

- 105 Meaning of “the court”: jurisdiction of High Court and county court.  
106 Crown application.  
107 Consequential amendments and repeals.  
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

*Introductory*

- 1 In this Schedule “judge-arbitrator” means a judge of the Commercial...

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### *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...

#### *Tithe Act 1936 (c.43)*

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

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*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...

*Plant Varieties and Seeds Act 1964 (c.14)*

18 .....

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*Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c.29 (N.I.))*

19 In section 9 of the Lands Tribunal and Compensation Act...

*Industrial and Provident Societies Act 1965 (c.12)*

20 (1) Section 60 of the Industrial and Provident Societies Act...

*Carriage of Goods by Road Act 1965 (c.37)*

21 In section 7(2) of the Carriage of Goods by Road...

*Factories Act (Northern Ireland) 1965 (c.20 (N.I.))*

22 In section 171 of the Factories Act (Northern Ireland) 1965...

*Commonwealth Secretariat Act 1966 (c.10)*

23 In section 1(3) of the Commonwealth Secretariat Act 1966 (contracts...

*Arbitration (International Investment Disputes) Act 1966 (c.41)*

24 In the Arbitration (International Investment Disputes) Act 1966, for section...

*Poultry Improvement Act (Northern Ireland) 1968 (c.12 (N.I.))*

25 In paragraph 10(4) of the Schedule to the Poultry Improvement...

*Industrial and Provident Societies Act (Northern Ireland) 1969 (c.24 (N.I.))*

26 (1) Section 69 of the Industrial and Provident Societies Act...

*Health and Personal Social Services (Northern Ireland) Order 1972 (N.I.14)*

27 In Article 105(6) of the Health and Personal Social Services...

*Consumer Credit Act 1974 (c.39)*

28 (1) Section 146 of the Consumer Credit Act 1974 is...

*Friendly Societies Act 1974 (c.46)*

29 (1) The Friendly Societies Act 1974 is amended as follows....

*Industry Act 1975 (c.68)*

30 In Schedule 3 to the Industry Act (arbitration of disputes...

*Industrial Relations (Northern Ireland) Order 1976 (N.I.16)*

31 .....

*Aircraft and Shipbuilding Industries Act 1977 (c.3)*

32 In Schedule 7 to the Aircraft and Shipbuilding Industries Act...

*Patents Act 1977 (c.37)*

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

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*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...

*Mental Health (Northern Ireland) Order 1986 (N.I.4)*

48 In Article 83 of the Mental Health (Northern Ireland) Order...

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*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...

SCHEDULE 4 — Repeals

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**Changes and effects yet to be applied to :**

- Pt. 1 excluded by [S.I. 2010/2600 rule 3\(2\)](#)
- s. 8 applied by [S.I. 2010/2600 rule 30\(a\)](#)
- s. 9 applied by [S.I. 2010/2600 rule 30\(b\)](#)
- s. 10 applied by [S.I. 2010/2600 rule 30\(c\)](#)
- s. 12 applied by [S.I. 2010/2600 rule 30\(d\)](#)
- s. 23 applied by [S.I. 2010/2600 rule 30\(e\)](#)
- s. 49 applied by [S.I. 2010/2600 rule 30\(f\)](#)
- s. 57 applied in part by [S.I. 2010/2600 rule 30\(g\)](#)
- s. 60 applied by [S.I. 2010/2600 rule 30\(h\)](#)
- s. 66 applied by [S.I. 2010/2600 rule 30\(i\)](#)