



# 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

*Status: This is the original version (as it was originally enacted).*

---

### *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

- 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**

OTHER PROVISIONS RELATING TO ARBITRATION

*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

*Status: This is the original version (as it was originally enacted).*

---

- 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

**PART III**

RECOGNITION AND ENFORCEMENT OF CERTAIN FOREIGN AWARDS

*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

---

**SCHEDULES**

SCHEDULE 1 — Mandatory provisions of Part I

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

*Introductory*

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

*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...

*Status: This is the original version (as it was originally enacted).*

---

*Education Act 1944 (c. 31)*

- 4 In section 75(2) of the Education Act 1944 (proceedings of...

*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 In section 10(6) of the Plant Varieties and Seeds Act...

- 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 In Article 59(9) of the Industrial Relations (Northern Ireland) Order...
- 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...

*Status: This is the original version (as it was originally enacted).*

---

*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 In section 19(3) of the Landlord and Tenant Act 1985...

*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...



*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 In the Fair Employment (Northern Ireland) Act 1989, section 5(7)...

*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 In section 57 of the Social Security Administration (Northern Ireland)...

*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 In section 180(4) of the Education Act 1993 (procedure of...

*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...

*Industrial Tribunals Act 1996 (c. 17)*

62 In section 6(2) of the Industrial Tribunals Act 1996 (procedure...

SCHEDULE 4 — Repeals