
Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Paragraph 36. (See end of Document for details)

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

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

- 36 (1) The County Courts (Northern Ireland) Order 1980 is amended as follows.
- (2) In Article 30 (civil jurisdiction exercisable by district judge)—
- (a) for paragraph (2) substitute—
- “(2) Any order, decision or determination made by a district judge under this Article (other than one made in dealing with a claim by way of arbitration under paragraph (3)) shall be embodied in a decree which for all purposes (including the right of appeal under Part VI) shall have the like effect as a decree pronounced by a county court judge.”;
- (b) for paragraphs (4) and (5) substitute—
- “(4) Where in any action to which paragraph (1) applies the claim is dealt with by way of arbitration under paragraph (3)—
- (a) any award made by the district judge in dealing with the claim shall be embodied in a decree which for all purposes (except the right of appeal under Part VI) shall have the like effect as a decree pronounced by a county court judge;
- (b) the district judge may, and shall if so required by the High Court, state for the determination of the High Court any question of law arising out of an award so made;
- (c) except as provided by sub-paragraph (b), any award so made shall be final; and
- (d) except as otherwise provided by county court rules, no costs shall be awarded in connection with the action.
- (5) Subject to paragraph (4), county court rules may—
- (a) apply any of the provisions of Part I of the Arbitration Act 1996 to arbitrations under paragraph (3) with such modifications as may be prescribed;
- (b) prescribe the rules of evidence to be followed on any arbitration under paragraph (3) and, in particular, make provision with respect to the manner of taking and questioning evidence.
- (5A) Except as provided by virtue of paragraph (5)(a), Part I of the Arbitration Act 1996 shall not apply to an arbitration under paragraph (3).”

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(3) After Article 61 insert—

“ Appeals from decisions under Part I of Arbitration Act 1996

- 61A(1) Article 61 does not apply to a decision of a county court judge made in the exercise of the jurisdiction conferred by Part I of the Arbitration Act 1996.
- (2) Any party dissatisfied with a decision of the county court made in the exercise of the jurisdiction conferred by any of the following provisions of Part I of the Arbitration Act 1996, namely—
- (a) section 32 (question as to substantive jurisdiction of arbitral tribunal);
 - (b) section 45 (question of law arising in course of arbitral proceedings);
 - (c) section 67 (challenging award of arbitral tribunal: substantive jurisdiction);
 - (d) section 68 (challenging award of arbitral tribunal: serious irregularity);
 - (e) section 69 (appeal on point of law),
- may, subject to the provisions of that Part, appeal from that decision to the Court of Appeal.
- (3) Any party dissatisfied with any decision of a county court made in the exercise of the jurisdiction conferred by any other provision of Part I of the Arbitration Act 1996 may, subject to the provisions of that Part, appeal from that decision to the High Court.
- (4) The decision of the Court of Appeal on an appeal under paragraph (2) shall be final.”.

Commencement Information

- II** Sch. 3 para. 36 wholly in force 31.1.1997: Sch. 3 para. 36 not in force at Royal Assent see s. 109(1); Sch. 3 para. 36 in force for certain purposes only at 17.12.1996 otherwise in force at 31.1.1997 by S.I. 1996/3146, arts. 2, 3, Sch. 1

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