



Arbitration Act 1996

1996 CHAPTER 23

PART IV

GENERAL PROVISIONS

105 Meaning of “the court”: jurisdiction of High Court and county court.

- (1) In this Act “the court” [^{F1} in relation to England and Wales means the High Court or the county court and in relation to Northern Ireland] means the High Court or a county court, subject to the following provisions.
- (2) The Lord Chancellor may by order make provision—
 - [^{F2}(za) allocating proceedings under this Act in England and Wales to the High Court or the county court;]
 - (a) allocating proceedings under this Act [^{F3} in Northern Ireland] to the High Court or to county courts; or
 - (b) specifying proceedings under this Act which may be commenced or taken only in the High Court or in [^{F4} the county court or (as the case may be)] a county court.
- (3) The Lord Chancellor may by order make provision requiring proceedings of any specified description under this Act in relation to which a county court [^{F5} in Northern Ireland] has jurisdiction to be commenced or taken in one or more specified county courts.

Any jurisdiction so exercisable by a specified county court is exercisable throughout ^{F6}... Northern Ireland.

- [^{F7}(3A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales or the Lord Chief Justice of Northern Ireland (as the case may be) before making an order under this section.
- (3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

*Changes to legislation: There are currently no known outstanding effects
for the Arbitration Act 1996, Section 105. (See end of Document for details)*

- (3C) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]
- ^{F7}(4) An order under this section—
- (a) may differentiate between categories of proceedings by reference to such criteria as the Lord Chancellor sees fit to specify, and
 - (b) may make such incidental or transitional provision as the Lord Chancellor considers necessary or expedient.
- (5) An order under this section for England and Wales shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order under this section for Northern Ireland shall be a statutory rule for the purposes of the ^{M1}Statutory Rules (Northern Ireland) Order 1979 which shall be subject to [^{F8}negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954)].

Textual Amendments

- F1** Words in s. 105(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 60\(2\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** S. 105(2)(za) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 60\(2\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 105(2)(a) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 60\(2\)\(c\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 105(2)(b) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 60\(2\)\(d\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** Words in s. 105(3) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 60\(2\)\(e\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** Words in s. 105(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 60\(2\)\(f\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** S. 105(3A)-(3C) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 250](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F8** Words in s. 105(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(5), [Sch. 18 para. 50\(2\)](#) (with arts. 28-31)

Marginal Citations

- M1** S.I. 1979/1573 (N.I. 12).

Changes to legislation:

There are currently no known outstanding effects for the Arbitration Act 1996, Section 105.