



# Arbitration Act 1950

1950 CHAPTER 27 14 Geo 6

An Act to consolidate the Arbitration Acts, 1889 to 1934.

[28th July 1950]

## <sup>F1</sup>PART I

### GENERAL PROVISIONS AS TO ARBITRATION

#### Textual Amendments

**F1** Pt. I (ss. 1-34) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch.4**; S.I. 1996/3146, **art. 3** (with transitional provisions in **art. 4**, **Sch. 2**)

#### Modifications etc. (not altering text)

**C1** Pt. I modified by Administration of Justice Act 1970 (c. 31, SIF 37), s. 4, **Sch. 3**; excluded by Employment Protection Act 1975 (c. 71), ss. 1, 3(5), **Sch. 1 Pt. II para. 26**

**C2** Pt. I (ss. 1-34) excluded by Arbitration Act 1979 (c. 42, SIF 5), **s. 7(3)**

**C3** Pt. I (ss. 1-34) excluded (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss. 212(5)**, 302.

Pt. I (ss. 1-34) excluded (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss. 263(6)**, 302.

*Effect of Arbitration Agreements, &*

**Status:** *Point in time view as at 07/06/2010.*  
**Changes to legislation:** *There are currently no known outstanding effects for the Arbitration Act 1950. (See end of Document for details)*

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## *Arbitrators and Umpires*

### *Conduct of Proceedings, Witnesses, &c.*

### *Provisions as to Awards*

### *Costs, Fees and Interest*

### *Special Cases, Remission and Setting aside of Awards, &c.*

### *Enforcement of Award*

### *Miscellaneous*

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*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1950. (See end of Document for details)*

## PART II

### ENFORCEMENT OF CERTAIN FOREIGN AWARDS

#### Modifications etc. (not altering text)

**C43** Part II excluded by [Arbitration Act 1975 \(c. 3\), s. 2](#)

**C44** Part II (ss.35-43) continued (E.W.N.I.)(31.1.1997) by [1996 c. 23, s. 99](#), (with ss. 81(2), 104; [S.I. 1996/3146, art. 3](#) (with transitional provisions in [art. 4, Sch. 2](#)))

#### 35 Awards to which Part II applies.

- (1) This Part of this Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four—
  - (a) in pursuance of an agreement for arbitration to which the protocol set out in the First Schedule to this Act applies; and
  - (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the convention set out in the Second Schedule to this Act, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
  - (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the the said convention applies;and an award to which this Part of this Act applies is in this Part of this Act referred to as “a foreign award”.
- (2) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.
- (3) Any Order in Council under section one of the <sup>M2</sup>Arbitration (Foreign Awards) Act, 1930, which is in force at the commencement of this Act shall have effect as if it had been made under this section.

#### Marginal Citations

**M2** [1930 c. 15.](#)

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### 36 Effect of foreign awards.

- (1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable in England either by action or in the same manner as the award of an arbitrator is enforceable by virtue of [F28 section 66 of the Arbitration Act 1996].
- (2) Any foreign award which would be enforceable under this Part of this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal proceedings in England, and any references in this Part of this Act to enforcing a foreign award shall be construed as including references to relying on an award.

#### Textual Amendments

**F28** Words in s. 36(1) substituted (E.W.N.I.)(31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 10** (with s. 81(2)); S.I. 1996/3146, **art. 3** (with transitional provisions in **art. 4**, **Sch. 2**)

### 37 Conditions for enforcement of foreign awards.

- (1) In order that a foreign award may be enforceable under this Part of this Act it must have—
  - (a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed;
  - (b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties;
  - (c) been made in conformity with the law governing the arbitration procedure;
  - (d) become final in the country in which it was made;
  - (e) been in respect of a matter which may lawfully be referred to arbitration under the law of England;

and the enforcement thereof must not be contrary to the public policy or the law of England.
- (2) Subject to the provisions of this subsection, a foreign award shall not be enforceable under this Part of this Act if the court dealing with the case is satisfied that—
  - (a) the award has been annulled in the country in which it was made; or
  - (b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented; or
  - (c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration:

Provided that, if the award does not deal with all the questions referred, the court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the court may think fit.

- (3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in paragraphs (a), (b) and (c) of subsection (1) of this section, or the existence of the conditions specified in paragraphs (b) and (c) of subsection (2) of this section, entitling him to contest the validity of the award, the court may, if it thinks fit, either refuse to enforce the award

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or adjourn the hearing until after the expiration of such period as appears to the court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

### 38 Evidence.

- (1) The party seeking to enforce a foreign award must produce—
  - (a) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made; and
  - (b) evidence proving that the award has become final; and
  - (c) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section are satisfied.
- (2) In any case where any document required to be produced under subsection (1) of this section is in a foreign language, it shall be the duty of the party seeking to enforce the award to produce a translation certified as correct by a diplomatic or consular agent of the country to which that party belongs, or certified as correct in such other manner as may be sufficient according to the law of England.
- <sup>X1</sup>(3) Subject to the provisions of this section, rules of court may be made under section <sup>F29</sup>["ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925,]<sup>F29</sup>84 of the <sup>F30</sup>["Senior Courts Act 1981"] with respect to the evidence which must be furnished by a party seeking to enforce an award under this Part of this Act. <sup>X1</sup>
- <sup>F31</sup>(3) Subject to the provisions of this section, rules of court may be made under section 55 of the Judicature (Northern Ireland) Act 1978 with respect to the evidence which must be furnished by a party seeking to enforce an award under this Part of this Act.]

#### Editorial Information

**X1** S. 38(3) secondly appearing substituted (N.I.) for s. 38(3) first appearing by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), **Sch. 5 Pt. II**

#### Textual Amendments

**F29** Words “84 of the Supreme Court Act 1981” substituted (E.W.) for “ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925” by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), **Sch. 5**

**F30** S. 38: words "Senior Courts Act 1981" substituted (1.10.2009) for "Supreme Court Act 1981" by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(d)**

**F31** S. 38(3) secondly appearing substituted (N.I.) for s. 38(3) first appearing by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), **Sch. 5 Pt. II**

### 39 Meaning of “final award”.

For the purposes of this Part of this Act, an award shall not be deemed final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

### 40 Saving for other rights, &c.

Nothing in this Part of this Act shall—

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- (a) prejudice any rights which any person would have had of enforcing in England any award or of availing himself in England of any award if neither this Part of this Act nor Part I of the <sup>M3</sup>Arbitration (Foreign Awards) Act, 1930, had been enacted; or
- (b) apply to any award made on an arbitration agreement governed by the law of England.

**Marginal Citations**

M3 1930 c. 15.

**41 Application of Part II to Scotland.**

- (1) The following provisions of this section shall have effect for the purpose of the application of this Part of this Act to Scotland.
- (2) For the references to England there shall be substituted references to Scotland.
- (3) For subsection (1) of section thirty-six there shall be substituted the following subsection:—
  - “(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable by action, or, if the agreement for arbitration contains consent to the registration of the award in the Books of Council and Session for execution and the award is so registered, it shall, subject as aforesaid, be enforceable by summary diligence”.
- (4) For subsection (3) of section thirty-eight there shall be substituted the following subsection:—
  - “(3) The Court of Session shall, subject to the provisions of this section, have power, . . . <sup>F32</sup>, to make provision by Act of Sederunt with respect to the evidence which must be furnished by a party seeking to enforce in Scotland an award under this Part of this Act, . . . ” <sup>F32</sup>

**Textual Amendments**

F32 Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\), s. 10, Sch. Pt. I](#)

**42 Application of Part II to Northern Ireland.**

- (1) The following provisions of this section shall have effect for the purpose of the application of this Part of this Act to Northern Ireland.
- (2) For the references to England there shall be substituted references to Northern Ireland.
- <sup>F33</sup>(3) . . . . .
- (4) . . . . . <sup>F34</sup>

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**Textual Amendments**

- F33** S. 42(3) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with s. 81(2)); S.I. 1996/3146, **art. 3** (with transitional provisions in **art. 4**, **Sch. 2**)
- F34** S. 42(4) repealed by **Judicature (Northern Ireland) Act 1978** (c. 23, SIF 38), s. 122, **Sch. 7 Pt. I** (subject to a saving in Sch. 6 para. 13 in relation to any orders made before commencement of Pt. IV of the Act)

**43** ..... **F35**

**Textual Amendments**

- F35** S. 43 repealed by **Statute Law (Repeals) Act 1978** (c. 45), s. 1(1), **Sch. 1 Pt. I**

**PART III**

GENERAL

**44 Short title, commencement and repeal.**

- (1) This Act may be cited as the Arbitration Act, 1950.
- (2) This Act shall come into operation on the first day of September, nineteen hundred and fifty.
- (3) The <sup>M4</sup>Arbitration Act, 1889, the <sup>M5</sup>Arbitration Clauses (Protocol) Act, 1924, and the <sup>M6</sup>Arbitration Act, 1934, are hereby repealed except in relation to arbitrations commenced (within the meaning of subsection (2) of section twenty-nine of this Act) before the commencement of this Act, and the <sup>M7</sup>Arbitration (Foreign Awards) Act, 1930, is hereby repealed; and any reference in any Act or other document to any enactment hereby repealed shall be construed as including a reference to the corresponding provision of this Act.

**Marginal Citations**

- M4** 1889 c. 49.
- M5** 1924 c. 39.
- M6** 1934 c. 14.
- M7** 1930 c. 15.

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## SCHEDULES

### FIRST SCHEDULE

Sections 4, 35.

PROTOCOL ON ARBITRATION CLAUSES SIGNED ON BEHALF OF HIS MAJESTY  
 AT A MEETING OF THE ASSEMBLY OF THE LEAGUE OF NATIONS HELD ON THE  
 TWENTY-FOURTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND TWENTY-THREE

The undersigned, being duly authorised, declare that they accept, on behalf of the countries which they represent, the following provisions:—

- 1 Each of the Contracting States recognises the validity of an agreement whether relating to existing or future differences between parties, subject respectively to the jurisdiction of different Contracting States by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.  
  
 Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations, in order that the other Contracting States may be so informed.
- 2 The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.  
  
 The Contracting States agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.
- 3 Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.
- 4 The tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an arbitration agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.  
  
 Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or become inoperative.
- 5 The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the signatory States.



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6 The present Protocol shall come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7 The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other signatory States and inform them of the date of which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8 The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the under-mentioned territories: that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all signatory States. They will take effect one month after the notification by the Secretary-General to all signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

## SECOND SCHEDULE

Section 35.

### CONVENTION ON THE EXECUTION OF FOREIGN ARBITRAL AWARDS SIGNED AT GENEVA ON BEHALF OF HIS MAJESTY ON THE TWENTY-SIXTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND TWENTY-SEVEN

#### ARTICLE I

In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called “a submission to arbitration”) covered by the Protocol on Arbitration Clauses, opened at Geneva on September 24, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary:—

(a) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;

(b) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;

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(c) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;

(d) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to *opposition*, *appel* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;

(e) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

## ARTICLE 2

Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied:—

- (a) That the award has been annulled in the country in which it was made;
- (b) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;
- (c) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it think fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

## ARTICLE 3

If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a) and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

## ARTICLE 4

The party relying upon an award or claiming its enforcement must supply, in particular:—

- (1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;
- (2) Documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (d), in the country in which it was made;
- (3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (a) and (c), have been fulfilled.

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A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translation must be certified correct by a diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

#### **ARTICLE 5**

The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

#### **ARTICLE 6**

The present Convention applies only to arbitral awards made after the coming into force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

#### **ARTICLE 7**

The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

#### **ARTICLE 8**

The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratifications on its behalf with the Secretary-General of the League of Nations.

#### **ARTICLE 9**

The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notification, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, ipso facto, the denunciation of the present Convention.

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### **ARTICLE 10**

The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

### **ARTICLE 11**

A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

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**Changes to legislation:**

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