



Arbitration Act 1950

1950 CHAPTER 27

PART I

GENERAL PROVISIONS AS TO ARBITRATION

Miscellaneous

27 Power of court to extend time for commencing arbitration proceedings

Where the terms of an agreement to refer future disputes to arbitration provide that any claims to which the agreement applies shall be barred unless notice to appoint an arbitrator is given or an arbitrator is appointed or some other step to commence arbitration proceedings is taken within a time fixed by the agreement, and a dispute arises to which the agreement applies, the High Court, if it is of opinion that in the circumstances of the case undue hardship would otherwise be caused, and notwithstanding that the time so fixed has expired, may, on such terms, if any, as the justice of the case may require, but without prejudice to the provisions of any enactment limiting the time for the commencement of arbitration proceedings, extend the time for such period as it thinks proper.

28 Terms as to costs, &c

Any order made under this Part of this Act may be made on such terms as to costs or otherwise as the authority making the order thinks just:

Provided that this section shall not apply to any order made under subsection (2) of section four of this Act.

29 Extension of s. 496 of the Merchant Shipping Act, 1894

- (1) In subsection (3) of section four hundred and ninety-six of the Merchant Shipping Act, 1894 (which requires a sum deposited with a wharfinger by an owner of goods to be repaid unless legal proceedings are instituted by the shipowner), the expression " legal proceedings " shall be deemed to include arbitration.

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of the said section four hundred and ninety-six, as amended by this section, an arbitration shall be deemed to be commenced when one party to the arbitration agreement serves on the other party or parties a notice requiring him or them to appoint or concur in appointing an arbitrator, or, where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated.
- (3) Any such notice as is mentioned in subsection (2) of this section may be served either—
- (a) by delivering it to the person on whom it is to be served; or
 - (b) by leaving it at the usual or last known place of abode in England of that person; or
 - (c) by sending it by post in a registered letter addressed to that person at his usual or last known place of abode in England;

as well as in any other manner provided in the arbitration agreement; and where a notice is sent by post in manner prescribed by paragraph (c) of this subsection, service thereof shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

30 Crown to be bound

This Part of this Act (except the provisions of subsection (2) of section four thereof) shall apply to any arbitration to which His Majesty, either in right of the Crown or of the Duchy of Lancaster or otherwise, or the Duke of Cornwall, is a party.

31 Application of Part I to statutory arbitrations

- (1) Subject to the provisions of section thirty-three of this Act, this Part of this Act, except the provisions thereof specified in subsection (2) of this section, shall apply to every arbitration under any other Act (whether passed before or after the commencement of this Act) as if the arbitration were pursuant to an arbitration agreement and as if that other Act were an arbitration agreement, except in so far as this Act is inconsistent with that other Act or with any rules or procedure authorised or recognised thereby.
- (2) The provisions referred to in subsection (1) of this section are subsection (1) of section two, section three, subsection (2) of section four, section five, subsection (3) of section eighteen and sections twenty-four, twenty-five, twenty-seven and twenty-nine.

32 Meaning of " arbitration agreement "

In this Part of this Act, unless the context otherwise requires, the expression " arbitration agreement" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

33 Operation of Part I

This Part of this Act shall not affect any arbitration commenced (within the meaning of subsection (2) of section twenty-nine of this Act) before the commencement of this Act, but shall apply to an arbitration so commenced after the commencement of this Act under an agreement made before the commencement of this Act.

34 Extent of Part I

Subsection (2) of section four of this Act shall—

- (a) extend to Scotland, with the omission of the words " Notwithstanding anything in this Part of this Act" and with the substitution, for references to staying proceedings, of references to sisting proceedings ; and
- (b) extend to Northern Ireland, with the omission of the words " Notwithstanding anything in this Part of this Act";

but, save as aforesaid, none of the provisions of this Part of this Act shall extend to Scotland or Northern Ireland.