
STATUTORY INSTRUMENTS

1984 No. 1168

ARBITRATION

The Arbitration (Foreign Awards) Order 1984

Made - - - - *31st July 1984*
Coming into Operation *1st August 1984*

At the Court at Buckingham Palace the 31st day of July 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Convention on the Execution of Foreign Arbitral Awards (hereinafter called “the Geneva Convention”)(1) was, on 26th September 1927, signed at Geneva on behalf of His Late Majesty King George the Fifth:

And whereas it is provided by section 35(1) of the Arbitration Act 1950 that Part II of that Act (which provides for the enforcement of certain foreign awards under the Geneva Convention) applies to any award made after 28th July 1924—

- (a) in pursuance of an agreement for arbitration to which the Protocol set out in the First Schedule to that Act applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as Her Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the Geneva Convention, 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 Her Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the Geneva Convention applies:

And whereas Her Majesty is satisfied that reciprocal provisions have been made:

And whereas a Convention on the Recognition and Enforcement of Foreign Arbitral Awards (hereinafter called “the New York Convention”)(2) adopted on 10th June 1958 entered into force for the United Kingdom of Great Britain and Northern Ireland on 23rd December 1975:

And whereas it is provided by section 7(2) of the Arbitration Act 1975(which Act provides for the enforcement of foreign awards under the New York Convention) that if Her Majesty by Order in Council declares that any State specified in the Order is a party to the New York Convention the Order shall, while in force, be conclusive evidence that that State is a party to that Convention:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred upon Her by section 35(1) and (2) of the Arbitration Act 1950 and section 7(2)

(1) Schedule 2 to the Arbitration Act 1950 (c.27).
(2) Cmnd. 6419.

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and (3) of the Arbitration Act 1975, and of all other powers enabling Her in that behalf, is pleased to declare, and it is hereby declared, as follows:

Citation and commencement

1. This Order may be cited as the Arbitration (Foreign Awards) Order 1984 and shall come into operation on 1st August 1984.

Geneva Convention States

2.—(1) The Powers listed in Column 1 of Schedule 1 to this Order are parties to the Geneva Convention.

(2) The territories specified in Column 2 of the said Schedule are territories to which the Geneva Convention applies.

New York Convention States

3. The States listed in Schedule 2 to this Order are parties to the New York Convention .

Revocation

4. The Arbitration (Foreign Awards) Order 1978 and the Arbitration (Foreign Awards) Order 1979 are hereby revoked.

N.E. Leigh
Clerk of the Privy Council

SCHEDULE 1

GENEVA CONVENTION STATES

<i>Column 1</i> <i>Powers party to the Geneva Convention</i>	<i>Column 2</i> <i>Territories to which the Geneva Convention applies</i>
The United Kingdom of Great Britain and Northern Ireland	The United Kingdom of Great Britain and Northern Ireland
Anguilla	
British Virgin Islands	
Cayman Islands	
Falkland Islands	
Falkland Islands Dependencies	
Gibraltar	
Hong Kong	
Montserrat	
Turks and Caicos Islands	
Antigua and Barbuda	Antigua and Barbuda
Austria	Austria
Bahamas	Bahamas
Bangladesh	Bangladesh
Belgium	Belgium
Belize	Belize
Czechoslovakia	Czechoslovakia
Denmark	Denmark
Dominica	Dominica
Finland	Finland
France	France
Federal Republic of Germany	Federal Republic of Germany
German Democratic Republic	German Democratic Republic
Greece	Greece
Grenada	Grenada
Guyana	Guyana
India	India
Republic of Ireland	Republic of Ireland
Israel	Israel
Italy	Italy

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<i>Column 1</i>	<i>Column 2</i>
<i>Powers party to the Geneva Convention</i>	<i>Territories to which the Geneva Convention applies</i>
Japan	Japan
Kenya	Kenya
Luxembourg	Luxembourg
Malta	Malta
Mauritius	Mauritius
Netherlands	Netherlands (including Curacao)
New Zealand	New Zealand
Pakistan	Pakistan
Portugal	Portugal
Romania	Romania
Saint Christopher and Nevis	Saint Christopher and Nevis
St. Lucia	St. Lucia
Spain	Spain
Sweden	Sweden
Switzerland	Switzerland
Tanzania	Tanzania
Thailand	Thailand
Western Samoa	Western Samoa
Yugoslavia	Yugoslavia
Zambia	Zambia

SCHEDULE 2

NEW YORK CONVENTION STATES

Australia (including all the external territories for the international relations of which Australia is responsible)

Austria

Belgium

Belize

Benin

Botswana

Bulgaria

Byelorussian Soviet Socialist Republic

Cambodia

Central African Republic
Chile
Colombia
Cuba
Cyprus
Czechoslovakia
Denmark (including Greenland and the Faroe Islands)
Djibouti
Ecuador
Egypt
Finland
France (including all the territories of the French Republic)
Federal Republic of Germany
German Democratic Republic
Ghana
Greece
Guatemala
Haiti
Holy See
Hungary
India
Indonesia
Republic of Ireland
Israel
Italy
Japan
Jordan
Korea
Kuwait
Luxembourg
Madagascar
Mexico
Monaco
Morocco
Netherlands (including the Netherlands Antilles)
New Zealand
Niger
Nigeria
Norway
Philippines

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South Africa
Spain
Sri Lanka
Sweden
Switzerland
Syria
Tanzania
Thailand
Trinidad and Tobago
Tunisia
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United States of America (including all the territories for the international relations of which the United States of America is responsible)
Uruguay
Yugoslavia

EXPLANATORY NOTE

This Order specifies (in Schedule 1) States which are parties to the 1927 Geneva Convention on the Execution of Foreign Arbitral Awards (“the Geneva Convention ”), and which have satisfied Her Majesty that they have made reciprocal provisions. Arbitral awards made in such States are enforceable in the United Kingdom under Part II of the Arbitration Act 1950 , except, where the State in question is also a New York Convention State, in so far as the award is enforceable under the Arbitration Act 1975.

The Order also specifies (in Schedule 2) States which are parties to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (“the New York Convention”). Arbitral awards made in such States are enforceable in the United Kingdom under the Arbitration Act 1975.

The Order replaces the Arbitration (Foreign Awards) Order 1978 and the Arbitration (Foreign Awards) Order 1979, which are revoked. The two Schedules have been revised to take account of the accession of certain States to the two Conventions and to take account of the independence of certain States which were formerly territories for whose international relations another State was responsible.

The States now added as being parties to the Geneva Convention are: Antigua and Barbuda; Bahamas; Bangladesh; Belize; Dominica; Guyana; Malta; Saint Christopher and Nevis; St. Lucia; Western Samoa and Zambia. In respect of the New York Convention the additional States are:

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Belize; Byelorussian Soviet Socialist Republic; Colombia; Djibouti; Guatemala; Haiti; Jordan; Luxembourg; New Zealand; San Marino; Ukrainian Soviet Socialist Republic; Uruguay; and Yugoslavia.