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STATUTORY INSTRUMENTS

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**1996 3215 No. (L. 16)**  
**COUNTY COURTS**  
**SUPREME COURT OF ENGLAND AND WALES**

The High Court and County Courts (Allocation  
of Arbitration Proceedings) Order 1996

*Made* - - - - *19th December 1996*  
*Laid before Parliament* *20th December 1996*  
*Coming into force* - - *31st January 1997*

The Lord Chancellor, in exercise of the powers conferred on him by section 105 of the Arbitration Act 1996<sup>(1)</sup>, hereby makes the following Order:—

**1.**—(1) This Order may be cited as the High Court and County Courts (Allocation of Arbitration Proceedings) Order 1996 and shall come into force on 31st January 1997.

(2) In this Order, “the Act” means the Arbitration Act 1996.

**2.** Subject to articles 3 to 5, proceedings under the Act shall be commenced and taken in the High Court.

**3.** Proceedings under section 9 of the Act (stay of legal proceedings) shall be commenced in the court in which the legal proceedings are pending.

**4.** Proceedings under sections 66 and 101(2) (enforcement of awards) of the Act may be commenced in any county court.

**5.**—(1) Proceedings under the Act may be commenced and taken in the Central London County Court Business List.

(2) Where, in exercise of the powers conferred by sections 41 and 42 of the County Courts Act 1984<sup>(2)</sup> the High Court or the judge in charge of the Central London County Court Business List orders the transfer of proceedings under the Act which were commenced in the Central London County Court Business List to the High Court, those proceedings shall be taken in the High Court.

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<sup>(1)</sup> 1996 c. 23.

<sup>(2)</sup> 1984 c. 28; Sections 41 and 42 were substituted by the Courts and Legal Services Act 1990 (c. 41), section 2(2) and (3) and section 41 was amended by the Matrimonial and Family Proceedings Act 1984 (c. 42), Schedule 1 paragraph 3.

(3) Where, in exercise of its powers under section 40(2) of the County Courts Act 1984(3) the High Court orders the transfer of proceedings under the Act which were commenced in the High Court to the Central London County Court Business List, those proceedings shall be taken in the Central London County Court Business List.

(4) In exercising the powers referred to in paragraphs (2) and (3) regard shall be had to the following criteria—

- (a) the financial substance of the dispute referred to arbitration, including the value of any claim or counterclaim;
- (b) the nature of the dispute referred to arbitration (for example, whether it arises out of a commercial or business transaction or relates to engineering, building or other construction work);
- (c) whether the proceedings are otherwise important and, in particular, whether they raise questions of importance to persons who are not parties, and
- (d) the balance of convenience points to having the proceedings taken in the Central London County Court Business List,

and, where the financial substance of the dispute exceeds £200,000, the proceedings shall be taken in the High Court unless the proceedings do not raise questions of general importance to persons who are not parties.

(5) In this article—

“the Central London County Court Business List” means the business list established at the Central London County Court by Order 48C of the County Court Rules 1981(4);

“value” shall be construed in accordance with articles 9 and 10 of the High Court and County Courts Jurisdiction Order 1991(5).

6. Nothing in this Order shall prevent the judge in charge of the commercial list (within the meaning of section 62(3) of the Supreme Court Act 1981(6)) from transferring proceedings under the Act to another list, court or Division of the High Court to which he has power to transfer proceedings and, where such an order is made, the proceedings may be taken in that list, court or Division as the case may be.

Dated 19th December 1996

*Mackay of Clashfern, C.*

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(3) 1984 c. 28; section 40 was substituted by the Courts and Legal Services Act 1990 (c. 41), section 2(1).

(4) S.I. 1981/1687; the relevant amending instruments are S.I. 1994/1288 and 1996/3215.

(5) S.I. 1991/724.

(6) 1981 c. 54.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order specifies the courts in which proceedings under the Arbitration Act 1996 may be commenced and allocates proceedings between the High Court and the Central London County Court.