



Merchant Shipping(Liner Conferences) Act 1982

1982 CHAPTER 37

Proceedings arising out of the Code

7 Restrictions on legal proceedings.

- (1) Legal proceedings arising out of a dispute relating to the application or operation of the Code may be brought in the United Kingdom only in the High Court or the Court of Session; and in this section “the court” means either of those courts.
- (2) Proceedings arising out of a dispute to which Article 23, paragraph 2 applies (disputes to be resolved within the framework of the national jurisdiction concerned) shall not be entertained by the court except as permitted by that paragraph.
- (3) The court shall stay proceedings before it if on the application of a party to the proceedings, made after appearance but before delivering any pleadings or taking any other steps in the proceedings, it is shown that the proceedings arise out of a dispute to which Article 23, paragraph 4 applies and that—
 - (a) the dispute has not been referred to conciliation in accordance with that paragraph or has been so referred and conciliation proceedings are still in progress; or
 - (b) the parties to the dispute have made an agreement to which Article 25, paragraph 1 applies (agreed procedures in lieu of conciliation) which is capable of being, or has been, performed.
- (4) The court may attach to a stay granted under subsection (3) such conditions as appear to it appropriate, in particular conditions with respect to the institution or prosecution of conciliation or other proceedings; and the court may remove a stay granted under that subsection if any such condition is not complied with or if at any time it appears to the court that the circumstances are such that a new application for the stay would not be granted.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping(Liner Conferences) Act 1982, Section 7. (See end of Document for details)

- (5) In relation to an arbitration agreement to which Article 25, paragraph 1 applies, subsections (3) and (4) apply in place of [F1section 9 of the Arbitration Act 1996 (which also provides for the staying of legal proceedings).]
- (6) In the application of this section to Scotland, for the references to staying proceedings substitute references to sisting proceedings.

Textual Amendments

- F1** Words in s. 7(5) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 38** (with s. 81(2)); S.I. 1996/3146, **art. 3** (with art. 4 Sch. 2)

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