



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART V

#### ARBITRATION

#### 99 Arbitration by official referee

For section 11 of the Arbitration Act 1950 (reference to official referee) there shall be substituted—

##### **“11 Power of official referee to take arbitrations**

- (1) An official referee may, if in all the circumstances he thinks fit, accept appointment as sole arbitrator, or as umpire, by or by virtue of an arbitration agreement.
- (2) An official referee shall not accept appointment as arbitrator or umpire unless the Lord Chief Justice has informed him that, having regard to the state of official referees' business, he can be made available to do so.
- (3) The fees payable for the services of an official referee as arbitrator or umpire shall be taken in the High Court.
- (4) Schedule 3 to the Administration of Justice Act 1970 (which modifies this Act in relation to arbitration by judges, in particular by substituting the Court of Appeal for the High Court in provisions whereby arbitrators and umpires, their proceedings and awards are subject to control and review by the court) shall have effect in relation to official referees appointed as arbitrators or umpires as it has effect in relation to judge-arbitrators and judge-umpires (within the meaning of that Schedule).
- (5) Any jurisdiction which is exercisable by the High Court in relation to arbitrators and umpires otherwise than under this Act shall, in relation to an official referee appointed as arbitrator or umpire, be exercisable instead by the Court of Appeal.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In this section “official referee” means any person nominated under section 68(1)(a) of the Supreme Court Act 1981 to deal with official referees' business.
- (7) Rules of the Supreme Court may make provision for—
- (a) cases in which it is necessary to allocate references made under or by virtue of arbitration agreements to official referees;
  - (b) the transfer of references from one official referee to another.”