



Arbitration Act 1996

1996 CHAPTER 23

PART II

OTHER PROVISIONS RELATING TO ARBITRATION

Consumer arbitration agreements

89 Application of unfair terms regulations to consumer arbitration agreements.

- (1) The following sections extend the application of [^{F1}Part 2 (unfair terms) of the Consumer Rights Act 2015] in relation to a term which constitutes an arbitration agreement.

For this purpose “arbitration agreement” means an agreement to submit to arbitration present or future disputes or differences (whether or not contractual).

- [^{F2}(2) In those sections “the Part” means Part 2 (unfair terms) of the Consumer Rights Act 2015.]

- (3) Those sections apply whatever the law applicable to the arbitration agreement.

Textual Amendments

- F1** Words in s. 89(1) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 4 para. 31\(2\)](#); S.I. 2015/1630, art. 3(g) (with art. 6(1))
- F2** S. 89(2) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 4 para. 31\(3\)](#); S.I. 2015/1630, art. 3(g) (with art. 6(1))

[^{F3}90 Part applies where consumer is a legal person

The Part applies where the consumer is a legal person as it applies where the consumer is an individual.]

Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Cross Heading: Consumer arbitration agreements. (See end of Document for details)

Textual Amendments

- F3** S. 90 substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 4 para. 32](#); [S.I. 2015/1630](#), art. 3(g) (with art. 6(1))

91 Arbitration agreement unfair where modest amount sought.

- (1) A term which constitutes an arbitration agreement is unfair for the purposes of the [^{F4}Part] so far as it relates to a claim for a pecuniary remedy which does not exceed the amount specified by order for the purposes of this section.
- (2) Orders under this section may make different provision for different cases and for different purposes.
- (3) The power to make orders under this section is exercisable—
 - (a) for England and Wales, by the Secretary of State with the concurrence of the Lord Chancellor,
 - (b) for Scotland, by the Secretary of State ^{F5} . . . , and
 - (c) for Northern Ireland, by the Department of Economic Development for Northern Ireland with the concurrence of the Lord Chancellor.
- (4) Any such order for England and Wales or Scotland shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any such order for Northern Ireland shall be a statutory rule for the purposes of the ^{M1}Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution, within the meaning of section 41(6) of the ^{M2}Interpretation Act (Northern Ireland) 1954.

Textual Amendments

- F4** Word in s. 91(1) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 4 para. 33](#); [S.I. 2015/1630](#), art. 3(g) (with art. 6(1))
- F5** Words in s. 91(3)(b) repealed (19.5.1999) by [S.I. 1999/678](#), art. 6

Modifications etc. (not altering text)

- C1** S. 91(3): functions of the Lord Advocate transferred (19.5.1999) to the Secretary of State by virtue of [S.I. 1999/678](#), arts. 2(1), [Sch.](#) (with art. 7)

Commencement Information

- I1** S. 91 wholly in force 31.1.1997: S. 91 not in force at Royal Assent see s. 109(1); S. 91 in force for certain purposes only at 17.12.1996 otherwise in force at 31.1.1997 by [S.I. 1996/3146](#), arts. 2, 3, [Sch. 1](#);

Marginal Citations

- M1** [S.I. 1979/1573 \(N.I. 12\)](#).
M2 [1954 c. 33 \(N.I.\)](#).

Changes to legislation:

There are currently no known outstanding effects for the Arbitration Act 1996, Cross Heading:
Consumer arbitration agreements.