



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 the Unfair Terms in Consumer Contracts Regulations 1994 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).

- (2) In those sections “the Regulations” means those regulations and includes any regulations amending or replacing those regulations.
- (3) Those sections apply whatever the law applicable to the arbitration agreement.

90 Regulations apply where consumer is a legal person

The Regulations apply where the consumer is a legal person as they apply where the consumer is a natural person.

91 Arbitration agreement unfair where modest amount sought

- (1) A term which constitutes an arbitration agreement is unfair for the purposes of the Regulations 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.

Status: This is the original version (as it was originally enacted).

- (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 with the concurrence of the Lord Advocate, 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 Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution, within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.