



Arbitration Act 1996

1996 CHAPTER 23

PART II

OTHER PROVISIONS RELATING TO ARBITRATION

Statutory arbitrations

94 Application of Part I to statutory arbitrations

- (1) The provisions of Part I apply to every arbitration under an enactment (a “statutory arbitration”), whether the enactment was passed or made before or after the commencement of this Act, subject to the adaptations and exclusions specified in sections 95 to 98.
- (2) The provisions of Part I do not apply to a statutory arbitration if or to the extent that their application—
 - (a) is inconsistent with the provisions of the enactment concerned, with any rules or procedure authorised or recognised by it, or
 - (b) is excluded by any other enactment.
- (3) In this section and the following provisions of this Part “enactment”—
 - (a) in England and Wales, includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) in Northern Ireland, means a statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954.

95 General adaptation of provisions in relation to statutory arbitrations

- (1) The provisions of Part I apply to a statutory arbitration—
 - (a) as if the arbitration were pursuant to an arbitration agreement and as if the enactment were that agreement, and

Status: This is the original version (as it was originally enacted).

(b) as if the persons by and against whom a claim subject to arbitration in pursuance of the enactment may be or has been made were parties to that agreement.

(2) Every statutory arbitration shall be taken to have its seat in England and Wales or, as the case may be, in Northern Ireland.

96 Specific adaptations of provisions in relation to statutory arbitrations

(1) The following provisions of Part I apply to a statutory arbitration with the following adaptations.

(2) In section 30(1) (competence of tribunal to rule on its own jurisdiction), the reference in paragraph (a) to whether there is a valid arbitration agreement shall be construed as a reference to whether the enactment applies to the dispute or difference in question.

(3) Section 35 (consolidation of proceedings and concurrent hearings) applies only so as to authorise the consolidation of proceedings, or concurrent hearings in proceedings, under the same enactment.

(4) Section 46 (rules applicable to substance of dispute) applies with the omission of subsection (1)(b) (determination in accordance with considerations agreed by parties).

97 Provisions excluded from applying to statutory arbitrations

The following provisions of Part I do not apply in relation to a statutory arbitration—

- (a) section 8 (whether agreement discharged by death of a party);
- (b) section 12 (power of court to extend agreed time limits);
- (c) sections 9(5), 10(2) and 71(4) (restrictions on effect of provision that award condition precedent to right to bring legal proceedings).

98 Power to make further provision by regulations

(1) The Secretary of State may make provision by regulations for adapting or excluding any provision of Part I in relation to statutory arbitrations in general or statutory arbitrations of any particular description.

(2) The power is exercisable whether the enactment concerned is passed or made before or after the commencement of this Act.

(3) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.