



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART IV

#### GENERAL PROVISIONS

#### **105 Meaning of “the court”:** jurisdiction of High Court and county court.

- (1) In this Act “the court” means the High Court or a county court, subject to the following provisions.
- (2) The Lord Chancellor may by order make provision—
  - (a) allocating proceedings under this Act to the High Court or to county courts; or
  - (b) specifying proceedings under this Act which may be commenced or taken only in the High Court or in a county court.
- (3) The Lord Chancellor may by order make provision requiring proceedings of any specified description under this Act in relation to which a county court has jurisdiction to be commenced or taken in one or more specified county courts.

Any jurisdiction so exercisable by a specified county court is exercisable throughout England and Wales or, as the case may be, Northern Ireland.

[<sup>F1</sup>(3A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales or the Lord Chief Justice of Northern Ireland (as the case may be) before making an order under this section.

(3B) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(3C) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

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- <sup>F1</sup>(4) An order under this section—
- (a) may differentiate between categories of proceedings by reference to such criteria as the Lord Chancellor sees fit to specify, and
  - (b) may make such incidental or transitional provision as the Lord Chancellor considers necessary or expedient.
- (5) An order under this section for England and Wales shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order under this section for Northern Ireland shall be a statutory rule for the purposes of the <sup>M1</sup>Statutory Rules (Northern Ireland) Order 1979 which shall be subject to [<sup>F2</sup>negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954)]<sup>F2</sup>.

#### Textual Amendments

- F1** S. 105(3A)-(3C) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 250](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(v\)](#)
- F2** Words in s. 105(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [art. 15\(5\)](#), [Sch. 18 para. 50\(2\)](#) (with arts. 28-31)

#### Marginal Citations

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

### 106 Crown application.

- (1) Part I of this Act applies to any arbitration agreement to which Her Majesty, either in right of the Crown or of the Duchy of Lancaster or otherwise, or the Duke of Cornwall, is a party.
- (2) Where Her Majesty is party to an arbitration agreement otherwise than in right of the Crown, Her Majesty shall be represented for the purposes of any arbitral proceedings—
  - (a) where the agreement was entered into by Her Majesty in right of the Duchy of Lancaster, by the Chancellor of the Duchy or such person as he may appoint, and
  - (b) in any other case, by such person as Her Majesty may appoint in writing under the Royal Sign Manual.
- (3) Where the Duke of Cornwall is party to an arbitration agreement, he shall be represented for the purposes of any arbitral proceedings by such person as he may appoint.
- (4) References in Part I to a party or the parties to the arbitration agreement or to arbitral proceedings shall be construed, where subsection (2) or (3) applies, as references to the person representing Her Majesty or the Duke of Cornwall.

### 107 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 3 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.

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(2) The enactments specified in Schedule 4 are repealed to the extent specified.

#### Commencement Information

- II** [S. 107](#) wholly in force 31.1.1997: [S. 107](#) not in force at Royal Assent see [s. 109\(1\)](#); [S. 107](#) in force for certain purposes at 17.12.1996 and otherwise in force at 31.1.1997 by [S.I. 1996/3146](#), [arts. 2, 3](#), [Sch. 1](#)

#### 108 Extent.

- (1) The provisions of this Act extend to England and Wales and, except as mentioned below, to Northern Ireland.
- (2) The following provisions of Part II do not extend to Northern Ireland—  
section 92 (exclusion of Part I in relation to small claims arbitration in the county court), and  
section 93 and Schedule 2 (appointment of judges as arbitrators).
- (3) Sections 89, 90 and 91 (consumer arbitration agreements) extend to Scotland and the provisions of Schedules 3 and 4 (consequential amendments and repeals) extend to Scotland so far as they relate to enactments which so extend, subject as follows.
- (4) The repeal of the <sup>M2</sup>Arbitration Act 1975 extends only to England and Wales and Northern Ireland.

#### Marginal Citations

- M2** [1975 c. 3](#).

#### 109 Commencement.

- (1) The provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different purposes.
- (2) An order under subsection (1) may contain such transitional provisions as appear to the Secretary of State to be appropriate.

#### Subordinate Legislation Made

- P1** [S. 109](#) power partly exercised (16.12.1996): 17.12.1996 and 31.1.1997 appointed for specified provisions by [S.I. 1996/3146](#), [arts. 2, 3](#) (with transitional provisions in [art. 4](#), [Sch. 2](#))

#### 110 Short title.

This Act may be cited as the Arbitration Act 1996.

**Status:**

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**Changes to legislation:**

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