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## SCHEDULES

### SCHEDULE 1

Section 4(1).

#### MANDATORY PROVISIONS OF PART I

sections 9 to 11 (stay of legal proceedings);  
section 12 (power of court to extend agreed time limits);  
section 13 (application of Limitation Acts);  
section 24 (power of court to remove arbitrator);  
section 26(1) (effect of death of arbitrator);  
section 28 (liability of parties for fees and expenses of arbitrators);  
section 29 (immunity of arbitrator);  
section 31 (objection to substantive jurisdiction of tribunal);  
section 32 (determination of preliminary point of jurisdiction);  
section 33 (general duty of tribunal);  
section 37(2) (items to be treated as expenses of arbitrators);  
section 40 (general duty of parties);  
section 43 (securing the attendance of witnesses);  
section 56 (power to withhold award in case of non-payment);  
section 60 (effectiveness of agreement for payment of costs in any event);  
section 66 (enforcement of award);  
sections 67 and 68 (challenging the award: substantive jurisdiction and serious irregularity), and sections 70 and 71 (supplementary provisions; effect of order of court) so far as relating to those sections;  
section 72 (saving for rights of person who takes no part in proceedings);  
section 73 (loss of right to object);  
section 74 (immunity of arbitral institutions, &c.);  
section 75 (charge to secure payment of solicitors' costs).

### SCHEDULE 2

Section 93(6).

#### MODIFICATIONS OF PART I IN RELATION TO JUDGE-ARBITRATORS

##### *Introductory*

1 In this Schedule “judge-arbitrator” means a judge of the Commercial Court or official referee appointed as arbitrator or umpire under section 93.

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### *General*

- 2 (1) Subject to the following provisions of this Schedule, references in Part I to the court shall be construed in relation to a judge-arbitrator, or in relation to the appointment of a judge-arbitrator, as references to the Court of Appeal.
- (2) The references in sections 32(6), 45(6) and 69(8) to the Court of Appeal shall in such a case be construed as references to the House of Lords.

### *Arbitrator's fees*

- 3 (1) The power of the court in section 28(2) to order consideration and adjustment of the liability of a party for the fees of an arbitrator may be exercised by a judge-arbitrator.
- (2) Any such exercise of the power is subject to the powers of the Court of Appeal under sections 24(4) and 25(3)(b) (directions as to entitlement to fees or expenses in case of removal or resignation).

### *Exercise of court powers in support of arbitration*

- 4 (1) Where the arbitral tribunal consists of or includes a judge-arbitrator the powers of the court under sections 42 to 44 (enforcement of peremptory orders, summoning witnesses, and other court powers) are exercisable by the High Court and also by the judge-arbitrator himself.
- (2) Anything done by a judge-arbitrator in the exercise of those powers shall be regarded as done by him in his capacity as judge of the High Court and have effect as if done by that court.

Nothing in this sub-paragraph prejudices any power vested in him as arbitrator or umpire.

### *Extension of time for making award*

- 5 (1) The power conferred by section 50 (extension of time for making award) is exercisable by the judge-arbitrator himself.
- (2) Any appeal from a decision of a judge-arbitrator under that section lies to the Court of Appeal with the leave of that court.

### *Withholding award in case of non-payment*

- 6 (1) The provisions of paragraph 7 apply in place of the provisions of section 56 (power to withhold award in the case of non-payment) in relation to the withholding of an award for non-payment of the fees and expenses of a judge-arbitrator.
- (2) This does not affect the application of section 56 in relation to the delivery of such an award by an arbitral or other institution or person vested by the parties with powers in relation to the delivery of the award.
- 7 (1) A judge-arbitrator may refuse to deliver an award except upon payment of the fees and expenses mentioned in section 56(1).

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*Status: Point in time view as at 08/05/1998.*

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- (2) The judge-arbitrator may, on an application by a party to the arbitral proceedings, order that if he pays into the High Court the fees and expenses demanded, or such lesser amount as the judge-arbitrator may specify—
- (a) the award shall be delivered,
  - (b) the amount of the fees and expenses properly payable shall be determined by such means and upon such terms as he may direct, and
  - (c) out of the money paid into court there shall be paid out such fees and expenses as may be found to be properly payable and the balance of the money (if any) shall be paid out to the applicant.
- (3) For this purpose the amount of fees and expenses properly payable is the amount the applicant is liable to pay under section 28 or any agreement relating to the payment of the arbitrator.
- (4) No application to the judge-arbitrator under this paragraph may be made where there is any available arbitral process for appeal or review of the amount of the fees or expenses demanded.
- (5) Any appeal from a decision of a judge-arbitrator under this paragraph lies to the Court of Appeal with the leave of that court.
- (6) Where a party to arbitral proceedings appeals under sub-paragraph (5), an arbitrator is entitled to appear and be heard.

*Correction of award or additional award*

- 8 Subsections (4) to (6) of section 57 (correction of award or additional award: time limit for application or exercise of power) do not apply to a judge-arbitrator.

*Costs*

- 9 Where the arbitral tribunal consists of or includes a judge-arbitrator the powers of the court under section 63(4) (determination of recoverable costs) shall be exercised by the High Court.
- 10 (1) The power of the court under section 64 to determine an arbitrator's reasonable fees and expenses may be exercised by a judge-arbitrator.
- (2) Any such exercise of the power is subject to the powers of the Court of Appeal under sections 24(4) and 25(3)(b) (directions as to entitlement to fees or expenses in case of removal or resignation).

*Enforcement of award*

- 11 The leave of the court required by section 66 (enforcement of award) may in the case of an award of a judge-arbitrator be given by the judge-arbitrator himself.

*Solicitors' costs*

- 12 The powers of the court to make declarations and orders under the provisions applied by section 75 (power to charge property recovered in arbitral proceedings with the payment of solicitors' costs) may be exercised by the judge-arbitrator.

*Status: Point in time view as at 08/05/1998.*

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*Powers of court in relation to service of documents*

- 13 (1) The power of the court under section 77(2) (powers of court in relation to service of documents) is exercisable by the judge-arbitrator.
- (2) Any appeal from a decision of a judge-arbitrator under that section lies to the Court of Appeal with the leave of that court.

*Powers of court to extend time limits relating to arbitral proceedings*

- 14 (1) The power conferred by section 79 (power of court to extend time limits relating to arbitral proceedings) is exercisable by the judge-arbitrator himself.
- (2) Any appeal from a decision of a judge-arbitrator under that section lies to the Court of Appeal with the leave of that court.

SCHEDULE 3

Section 107(1).

CONSEQUENTIAL AMENDMENTS

*Merchant Shipping Act 1894 (c.60)*

- 1 In section 496 of the Merchant Shipping Act 1894 (provisions as to deposits by owners of goods), after subsection (4) insert—
- “(5) In subsection (3) the expression “legal proceedings” includes arbitral proceedings and as respects England and Wales and Northern Ireland the provisions of section 14 of the Arbitration Act 1996 apply to determine when such proceedings are commenced.”.

*Stannaries Court (Abolition) Act 1896 (c.45)*

- 2 In section 4(1) of the Stannaries Court (Abolition) Act 1896 (references of certain disputes to arbitration), for the words from “tried before” to “any such reference” substitute “referred to arbitration before himself or before an arbitrator agreed on by the parties or an officer of the court”.

*Tithe Act 1936 (c.43)*

- 3 In section 39(1) of the Tithe Act 1936 (proceedings of Tithe Redemption Commission)—
- (a) for “the Arbitration Acts 1889 to 1934” substitute “Part I of the Arbitration Act 1996”;
- (b) for paragraph (e) substitute—
- “(e) the making of an application to the court to determine a preliminary point of law and the bringing of an appeal to the court on a point of law;”;
- (c) for “the said Acts” substitute “Part I of the Arbitration Act 1996”.

*Status: Point in time view as at 08/05/1998.*

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*Education Act 1944 (c.31)*

F14 .....

**Textual Amendments**

**F1** Sch. 3 para. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt. I, Sch. 39 (with s. 1(4))

*Commonwealth Telegraphs Act 1949 (c.39)*

5 In section 8(2) of the Commonwealth Telegraphs Act 1949 (proceedings of referees under the Act) for “the Arbitration Acts 1889 to 1934, or the Arbitration Act (Northern Ireland) 1937,” substitute “ Part I of the Arbitration Act 1996 ”.

*Lands Tribunal Act 1949 (c.42)*

6 In section 3 of the Lands Tribunal Act 1949 (proceedings before the Lands Tribunal)  
—  
(a) in subsection (6)(c) (procedural rules: power to apply Arbitration Acts), and  
(b) in subsection (8) (exclusion of Arbitration Acts except as applied by rules),  
for “the Arbitration Acts 1889 to 1934” substitute “ Part I of the Arbitration Act 1996 ”.

*Wireless Telegraphy Act 1949 (c.54)*

7 In the Wireless Telegraphy Act 1949, Schedule 2 (procedure of appeals tribunal), in paragraph 3(1)—  
(a) for the words “the Arbitration Acts 1889 to 1934” substitute “ Part I of the Arbitration Act 1996 ”;  
(b) after the word “Wales” insert “ or Northern Ireland ”; and  
(c) for “the said Acts” substitute “ Part I of that Act ”.

*Patents Act 1949 (c.87)*

8 In section 67 of the Patents Act 1949 (proceedings as to infringement of pre-1978 patents referred to comptroller), for “The Arbitration Acts 1889 to 1934” substitute “ Part I of the Arbitration Act 1996 ”.

*National Health Service (Amendment) Act 1949 (c.93)*

9 In section 7(8) of the <sup>M1</sup>National Health Service (Amendment) Act 1949 (arbitration in relation to hardship arising from the National Health Service Act 1946 or the Act), for “the Arbitration Acts 1889 to 1934” substitute “ Part I of the Arbitration Act 1996 ” and for “the said Acts” substitute “ Part I of that Act ”.

*Status: Point in time view as at 08/05/1998.*

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**Marginal Citations**

**M1** 1946 c. 81.

*Arbitration Act 1950 (c.27)*

- 10 In section 36(1) of the Arbitration Act 1950 (effect of foreign awards enforceable under Part II of that Act) for “section 26 of this Act” substitute “ section 66 of the Arbitration Act 1996 ”.

*Interpretation Act (Northern Ireland) 1954 (c.33 (N.I.))*

- 11 In section 46(2) of the Interpretation Act (Northern Ireland) 1954 (miscellaneous definitions), for the definition of “arbitrator” substitute—  
 ““arbitrator” has the same meaning as in Part I of the Arbitration Act 1996;”.

*Agricultural Marketing Act 1958 (c.47)*

- 12 In section 12(1) of the Agricultural Marketing Act 1958 (application of provisions of Arbitration Act 1950)—
- (a) for the words from the beginning to “shall apply” substitute “ Sections 45 and 69 of the Arbitration Act 1996 (which relate to the determination by the court of questions of law) and section 66 of that Act (enforcement of awards) apply ”; and
  - (b) for “an arbitration” substitute “ arbitral proceedings ”.

*Carriage by Air Act 1961 (c.27)*

- 13 (1) The Carriage by Air Act 1961 is amended as follows.
- (2) In section 5(3) (time for bringing proceedings)—
- (a) for “an arbitration” in the first place where it occurs substitute “ arbitral proceedings ”; and
  - (b) for the words from “and subsections (3) and (4)” to the end substitute “ and the provisions of section 14 of the Arbitration Act 1996 apply to determine when such proceedings are commenced. ”.
- (3) In section 11(c) (application of section 5 to Scotland)—
- (a) for “subsections (3) and (4)” substitute “ the provisions of section 14 of the Arbitration Act 1996 ”; and
  - (b) for “an arbitration” substitute “ arbitral proceedings ”.

*Factories Act 1961 (c.34)*

- 14 In the Factories Act 1961, for section 171 (application of Arbitration Act 1950), substitute—

**“171 Application of the Arbitration Act 1996.**

Part I of the Arbitration Act 1996 does not apply to proceedings under this Act except in so far as it may be applied by regulations made under this Act.”.

*Status: Point in time view as at 08/05/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996. (See end of Document for details)*

*Clergy Pensions Measure 1961 (No. 3)*

- 15 In the Clergy Pensions Measure 1961, section 38(4) (determination of questions), for the words “The Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Transport Act 1962 (c.46)*

- 16 (1) The Transport Act 1962 is amended as follows.
- (2) In section 74(6)(f) (proceedings before referees in pension disputes), for the words “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.
- (3) In section 81(7) (proceedings before referees in compensation disputes), for the words “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.
- (4) In Schedule 7, Part IV (pensions), in paragraph 17(5) for the words “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Corn Rents Act 1963 (c.14)*

- 17 In the Corn Rents Act 1963, section 1(5) (schemes for apportioning corn rents, &c.), for the words “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Plant Varieties and Seeds Act 1964 (c.14)*

- F<sup>2</sup>18 .....

**Textual Amendments**

**F2** Sch. 3 para. 18 repealed (8.5.1998) by 1997 c. 66, s. 52, Sch. 4; S.I. 1998/1028, art. 2

*Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c.29 (N.I.))*

- 19 In section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (proceedings of Lands Tribunal), in subsection (3) (where Tribunal acts as arbitrator) for “the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Industrial and Provident Societies Act 1965 (c.12)*

- 20 (1) Section 60 of the Industrial and Provident Societies Act 1965 is amended as follows.
- (2) In subsection (8) (procedure for hearing disputes between society and member, &c.)—
- (a) in paragraph (a) for “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”; and
- (b) in paragraph (b) omit “by virtue of section 12 of the said Act of 1950”.
- (3) For subsection (9) substitute—
- “(9) The court or registrar to whom any dispute is referred under subsections (2) to (7) may at the request of either party state a case on any question of law

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arising in the dispute for the opinion of the High Court or, as the case may be, the Court of Session.”.

*Carriage of Goods by Road Act 1965 (c.37)*

21 In section 7(2) of the Carriage of Goods by Road Act 1965 (arbitrations: time at which deemed to commence), for paragraphs (a) and (b) substitute—

“(a) as respects England and Wales and Northern Ireland, the provisions of section 14(3) to (5) of the Arbitration Act 1996 (which determine the time at which an arbitration is commenced) apply;”.

*Factories Act (Northern Ireland) 1965 (c.20 (N.I.))*

22 In section 171 of the Factories Act (Northern Ireland) 1965 (application of Arbitration Act), for “The Arbitration Act (Northern Ireland) 1937” substitute “Part I of the Arbitration Act 1996”.

*Commonwealth Secretariat Act 1966 (c.10)*

23 In section 1(3) of the Commonwealth Secretariat Act 1966 (contracts with Commonwealth Secretariat to be deemed to contain provision for arbitration), for “the Arbitration Act 1950 and the Arbitration Act (Northern Ireland) 1937” substitute “Part I of the Arbitration Act 1996”.

*Arbitration (International Investment Disputes) Act 1966 (c.41)*

24 In the Arbitration (International Investment Disputes) Act 1966, for section 3 (application of Arbitration Act 1950 and other enactments) substitute—

**“3 Application of provisions of Arbitration Act 1996.**

(1) The Lord Chancellor may by order direct that any of the provisions contained in sections 36 and 38 to 44 of the Arbitration Act 1996 (provisions concerning the conduct of arbitral proceedings, &c.) shall apply to such proceedings pursuant to the Convention as are specified in the order with or without any modifications or exceptions specified in the order.

(2) Subject to subsection (1), the Arbitration Act 1996 shall not apply to proceedings pursuant to the Convention, but this subsection shall not be taken as affecting section 9 of that Act (stay of legal proceedings in respect of matter subject to arbitration).

(3) An order made under this section—

- (a) may be varied or revoked by a subsequent order so made, and
- (b) shall be contained in a statutory instrument.”.

*Poultry Improvement Act (Northern Ireland) 1968 (c.12 (N.I.))*

25 In paragraph 10(4) of the Schedule to the Poultry Improvement Act (Northern Ireland) 1968 (reference of disputes), for “The Arbitration Act (Northern Ireland) 1937” substitute “Part I of the Arbitration Act 1996”.



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*Status: Point in time view as at 08/05/1998.*

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*Industrial and Provident Societies Act (Northern Ireland) 1969 (c.24 (N.I.))*

- 26 (1) Section 69 of the Industrial and Provident Societies Act (Northern Ireland) 1969 (decision of disputes) is amended as follows.
- (2) In subsection (7) (decision of disputes)—
- (a) in the opening words, omit the words from “and without prejudice” to “1937”;
  - (b) at the beginning of paragraph (a) insert “ without prejudice to any powers exercisable by virtue of Part I of the Arbitration Act 1996, ”; and
  - (c) in paragraph (b) omit “the registrar or” and “registrar or” and for the words from “as might have been granted by the High Court” to the end substitute “ as might be granted by the registrar ”.
- (3) For subsection (8) substitute—
- “(8) The court or registrar to whom any dispute is referred under subsections (2) to (6) may at the request of either party state a case on any question of law arising in the dispute for the opinion of the High Court.”.

*Health and Personal Social Services (Northern Ireland) Order 1972 (N.I.14)*

- 27 In Article 105(6) of the Health and Personal Social Services (Northern Ireland) Order 1972 (arbitrations under the Order), for “the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Consumer Credit Act 1974 (c.39)*

- 28 (1) Section 146 of the Consumer Credit Act 1974 is amended as follows.
- (2) In subsection (2) (solicitor engaged in contentious business), for “section 86(1) of the Solicitors Act 1957” substitute “ section 87(1) of the Solicitors Act 1974 ”.
- (3) In subsection (4) (solicitor in Northern Ireland engaged in contentious business), for the words from “business done” to “Administration of Estates (Northern Ireland) Order 1979” substitute “ contentious business (as defined in Article 3(2) of the Solicitors (Northern Ireland) Order 1976. ”.

*Friendly Societies Act 1974 (c.46)*

- 29 (1) The Friendly Societies Act 1974 is amended as follows.
- (2) For section 78(1) (statement of case) substitute—
- “(1) Any arbitrator, arbiter or umpire to whom a dispute falling within section 76 above is referred under the rules of a registered society or branch may at the request of either party state a case on any question of law arising in the dispute for the opinion of the High Court or, as the case may be, the Court of Session.”.
- (3) In section 83(3) (procedure on objections to amalgamations &c. of friendly societies), for “the Arbitration Act 1950 or, in Northern Ireland, the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Status: Point in time view as at 08/05/1998.*

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*Industry Act 1975 (c.68)*

30 In Schedule 3 to the Industry Act (arbitration of disputes relating to vesting and compensation orders), in paragraph 14 (application of certain provisions of Arbitration Acts)—

- (a) for “the Arbitration Act 1950 or, in Northern Ireland, the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”, and
- (b) for “that Act” substitute “ that Part ”.

*Industrial Relations (Northern Ireland) Order 1976 (N.I.16)*

F31 .....

**Textual Amendments**

**F3** Sch. 3 para. 31 repealed (24.9.1996) by S.I. 1996/1921 (N.I. 18), art. 28, Sch. 3

*Aircraft and Shipbuilding Industries Act 1977 (c.3)*

32 In Schedule 7 to the Aircraft and Shipbuilding Industries Act 1977 (procedure of Arbitration Tribunal), in paragraph 2—

- (a) for “the Arbitration Act 1950 or, in Northern Ireland, the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”, and
- (b) for “that Act” substitute “ that Part ”.

*Patents Act 1977 (c.37)*

33 In section 130 of the Patents Act 1977 (interpretation), in subsection (8) (exclusion of Arbitration Act) for “The Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Judicature (Northern Ireland) Act 1978 (c.23)*

- 34 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.
- (2) In section 35(2) (restrictions on appeals to the Court of Appeal), after paragraph (f) insert—
- “(fa) except as provided by Part I of the Arbitration Act 1996, from any decision of the High Court under that Part;”.
- (3) In section 55(2) (rules of court) after paragraph (c) insert—
- “(cc) providing for any prescribed part of the jurisdiction of the High Court in relation to the trial of any action involving matters of account to be exercised in the prescribed manner by a person agreed by the parties and for the remuneration of any such person;”.

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*Status: Point in time view as at 08/05/1998.*

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*Health and Safety at Work (Northern Ireland) Order 1978 (N.I.9)*

- 35 In Schedule 4 to the Health and Safety at Work (Northern Ireland) Order 1978 (licensing provisions), in paragraph 3, for “The Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*County Courts (Northern Ireland) Order 1980 (N.I.3)*

- 36 (1) The County Courts (Northern Ireland) Order 1980 is amended as follows.
- (2) In Article 30 (civil jurisdiction exercisable by district judge)—
- (a) for paragraph (2) substitute—
- “(2) Any order, decision or determination made by a district judge under this Article (other than one made in dealing with a claim by way of arbitration under paragraph (3)) shall be embodied in a decree which for all purposes (including the right of appeal under Part VI) shall have the like effect as a decree pronounced by a county court judge.”;
- (b) for paragraphs (4) and (5) substitute—
- “(4) Where in any action to which paragraph (1) applies the claim is dealt with by way of arbitration under paragraph (3)—
- (a) any award made by the district judge in dealing with the claim shall be embodied in a decree which for all purposes (except the right of appeal under Part VI) shall have the like effect as a decree pronounced by a county court judge;
- (b) the district judge may, and shall if so required by the High Court, state for the determination of the High Court any question of law arising out of an award so made;
- (c) except as provided by sub-paragraph (b), any award so made shall be final; and
- (d) except as otherwise provided by county court rules, no costs shall be awarded in connection with the action.
- (5) Subject to paragraph (4), county court rules may—
- (a) apply any of the provisions of Part I of the Arbitration Act 1996 to arbitrations under paragraph (3) with such modifications as may be prescribed;
- (b) prescribe the rules of evidence to be followed on any arbitration under paragraph (3) and, in particular, make provision with respect to the manner of taking and questioning evidence.
- (5A) Except as provided by virtue of paragraph (5)(a), Part I of the Arbitration Act 1996 shall not apply to an arbitration under paragraph (3).”.
- (3) After Article 61 insert—

*“ Appeals from decisions under Part I of Arbitration Act 1996*

- 61A(1) Article 61 does not apply to a decision of a county court judge made in the exercise of the jurisdiction conferred by Part I of the Arbitration Act 1996.

*Status: Point in time view as at 08/05/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996. (See end of Document for details)*

- (2) Any party dissatisfied with a decision of the county court made in the exercise of the jurisdiction conferred by any of the following provisions of Part I of the Arbitration Act 1996, namely—
- (a) section 32 (question as to substantive jurisdiction of arbitral tribunal);
  - (b) section 45 (question of law arising in course of arbitral proceedings);
  - (c) section 67 (challenging award of arbitral tribunal: substantive jurisdiction);
  - (d) section 68 (challenging award of arbitral tribunal: serious irregularity);
  - (e) section 69 (appeal on point of law),
- may, subject to the provisions of that Part, appeal from that decision to the Court of Appeal.
- (3) Any party dissatisfied with any decision of a county court made in the exercise of the jurisdiction conferred by any other provision of Part I of the Arbitration Act 1996 may, subject to the provisions of that Part, appeal from that decision to the High Court.
- (4) The decision of the Court of Appeal on an appeal under paragraph (2) shall be final.”.

#### **Commencement Information**

- II** [Sch. 3 para. 36](#) wholly in force 31.1.1997: [Sch. 3 para. 36](#) not in force at Royal Assent see [s. 109\(1\)](#); [Sch. 3 para. 36](#) 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](#)

#### *Supreme Court Act 1981 (c.54)*

- 37 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 18(1) (restrictions on appeals to the Court of Appeal), for paragraph (g) substitute—
- “(g) except as provided by Part I of the Arbitration Act 1996, from any decision of the High Court under that Part;”.
- (3) In section 151 (interpretation, &c.), in the definition of “arbitration agreement”, for “the Arbitration Act 1950 by virtue of section 32 of that Act;” substitute “ Part I of the Arbitration Act 1996; ”.

#### *Merchant Shipping (Liner Conferences) Act 1982 (c.37)*

- 38 In section 7(5) of the Merchant Shipping (Liner Conferences) Act 1982 (stay of legal proceedings), for the words from “section 4(1)” to the end substitute “ section 9 of the Arbitration Act 1996 (which also provides for the staying of legal proceedings). ”.

*Status: Point in time view as at 08/05/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996. (See end of Document for details)*

*Agricultural Marketing (Northern Ireland) Order 1982 (N.I.12)*

- 39 In Article 14 of the Agricultural Marketing (Northern Ireland) Order 1982 (application of provisions of Arbitration Act (Northern Ireland) 1937)—
- (a) for the words from the beginning to “shall apply” substitute “ Section 45 and 69 of the Arbitration Act 1996 (which relate to the determination by the court of questions of law) and section 66 of that Act (enforcement of awards) ” apply; and
  - (b) for “an arbitration” substitute “ arbitral proceedings ”.

*Mental Health Act 1983 (c.20)*

- 40 In section 78 of the Mental Health Act 1983 (procedure of Mental Health Review Tribunals), in subsection (9) for “The Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Registered Homes Act 1984 (c.23)*

- 41 In section 43 of the Registered Homes Act 1984 (procedure of Registered Homes Tribunals), in subsection (3) for “The Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Housing Act 1985 (c.68)*

- 42 In section 47(3) of the Housing Act 1985 (agreement as to determination of matters relating to service charges) for “section 32 of the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Landlord and Tenant Act 1985 (c.70)*

<sup>F4</sup>43 .....

**Textual Amendments**

**F4** Sch. 3 para. 43 repealed (1.9.1997) by 1996 c. 52, s. 227, Sch. 19, Pt. III; S.I. 1997/1851, art. 1, 2

*Credit Unions (Northern Ireland) Order 1985 (N.I.12)*

- 44 (1) Article 72 of the Credit Unions (Northern Ireland) Order 1985 (decision of disputes) is amended as follows.
- (2) In paragraph (7)—
- (a) in the opening words, omit the words from “and without prejudice” to “1937”;
  - (b) at the beginning of sub-paragraph (a) insert “ without prejudice to any powers exercisable by virtue of Part I of the Arbitration Act 1996, ”; and
  - (c) in sub-paragraph (b) omit “the registrar or” and “registrar or” and for the words from “as might have been granted by the High Court” to the end substitute “ as might be granted by the registrar ”.
- (3) For paragraph (8) substitute—

*Status: Point in time view as at 08/05/1998.*

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“(8) The court or registrar to whom any dispute is referred under paragraphs (2) to (6) may at the request of either party state a case on any question of law arising in the dispute for the opinion of the High Court.”.

*Agricultural Holdings Act 1986 (c.5)*

45 In section 84(1) of the Agricultural Holdings Act 1986 (provisions relating to arbitration), for “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Insolvency Act 1986 (c.45)*

46 In the Insolvency Act 1986, after section 349 insert—

**“349A Arbitration agreements to which bankrupt is party.**

- (1) This section applies where a bankrupt had become party to a contract containing an arbitration agreement before the commencement of his bankruptcy.
- (2) If the trustee in bankruptcy adopts the contract, the arbitration agreement is enforceable by or against the trustee in relation to matters arising from or connected with the contract.
- (3) If the trustee in bankruptcy does not adopt the contract and a matter to which the arbitration agreement applies requires to be determined in connection with or for the purposes of the bankruptcy proceedings—
  - (a) the trustee with the consent of the creditors’ committee, or
  - (b) any other party to the agreement,
 may apply to the court which may, if it thinks fit in all the circumstances of the case, order that the matter be referred to arbitration in accordance with the arbitration agreement.
- (4) In this section—
 

“arbitration agreement” has the same meaning as in Part I of the Arbitration Act 1996; and

“the court” means the court which has jurisdiction in the bankruptcy proceedings.”.

*Building Societies Act 1986 (c.53)*

47 In Part II of Schedule 14 to the Building Societies Act 1986 (settlement of disputes: arbitration), in paragraph 5(6) for “the Arbitration Act 1950 and the Arbitration Act 1979 or, in Northern Ireland, the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Mental Health (Northern Ireland) Order 1986 (N.I.4)*

48 In Article 83 of the Mental Health (Northern Ireland) Order 1986 (procedure of Mental Health Review Tribunal), in paragraph (8) for “The Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

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*Multilateral Investment Guarantee Agency Act 1988 (c.8)*

- 49 For section 6 of the Multilateral Investment Guarantee Agency Act 1988 (application of Arbitration Act) substitute—

**“6 Application of Arbitration Act.**

- (1) The Lord Chancellor may by order made by statutory instrument direct that any of the provisions of sections 36 and 38 to 44 of the Arbitration Act 1996 (provisions in relation to the conduct of the arbitral proceedings, &c.) apply, with such modifications or exceptions as are specified in the order, to such arbitration proceedings pursuant to Annex II to the Convention as are specified in the order.
- (2) Except as provided by an order under subsection (1) above, no provision of Part I of the Arbitration Act 1996 other than section 9 (stay of legal proceedings) applies to any such proceedings.”

*Copyright, Designs and Patents Act 1988 (c.48)*

- 50 In section 150 of the Copyright, Designs and Patents Act 1988 (Lord Chancellor’s power to make rules for Copyright Tribunal), for subsection (2) substitute—

“(2) The rules may apply in relation to the Tribunal, as respects proceedings in England and Wales or Northern Ireland, any of the provisions of Part I of the Arbitration Act 1996.”

*Fair Employment (Northern Ireland) Act 1989 (c.32)*

- 51 In the Fair Employment (Northern Ireland) Act 1989, section 5(7) (procedure of Fair Employment Tribunal), for “The Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Limitation (Northern Ireland) Order 1989 (N.I.11)*

- 52 In Article 2(2) of the Limitation (Northern Ireland) Order 1989 (interpretation), in the definition of “arbitration agreement”, for “the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Insolvency (Northern Ireland) Order 1989 (N.I.19)*

- 53 In the Insolvency (Northern Ireland) Order 1989, after Article 320 insert—

*“ Arbitration agreements to which bankrupt is party.*

- 320A1) This Article applies where a bankrupt had become party to a contract containing an arbitration agreement before the commencement of his bankruptcy.
- (2) If the trustee in bankruptcy adopts the contract, the arbitration agreement is enforceable by or against the trustee in relation to matters arising from or connected with the contract.

*Status: Point in time view as at 08/05/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996. (See end of Document for details)*

- (3) If the trustee in bankruptcy does not adopt the contract and a matter to which the arbitration agreement applies requires to be determined in connection with or for the purposes of the bankruptcy proceedings—
- (a) the trustee with the consent of the creditors’ committee, or
  - (b) any other party to the agreement,
- may apply to the court which may, if it thinks fit in all the circumstances of the case, order that the matter be referred to arbitration in accordance with the arbitration agreement.
- (4) In this Article—
- “arbitration agreement” has the same meaning as in Part I of the Arbitration Act 1996; and
- “the court” means the court which has jurisdiction in the bankruptcy proceedings.”.

*Social Security Administration Act 1992 (c.5)*

- 54 In section 59 of the Social Security Administration Act 1992 (procedure for inquiries, &c.), in subsection (7), for “The Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Social Security Administration (Northern Ireland) Act 1992 (c.8)*

- 55 In section 57 of the Social Security Administration (Northern Ireland) Act 1992 (procedure for inquiries, &c.), in subsection (6) for “the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)*

- 56 In sections 212(5) and 263(6) of the Trade Union and Labour Relations (Consolidation) Act 1992 (application of Arbitration Act) for “the Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

*Industrial Relations (Northern Ireland) Order 1992 (N.I.5)*

- 57 In Articles 84(9) and 92(5) of the Industrial Relations (Northern Ireland) Order 1992 (application of Arbitration Act) for “The Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Registered Homes (Northern Ireland) Order 1992 (N.I.20)*

- 58 In Article 33(3) of the Registered Homes (Northern Ireland) Order 1992 (procedure of Registered Homes Tribunal) for “The Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

*Education Act 1993 (c.35)*

- F59 .....



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#### Textual Amendments

- F5** Sch. 3 para. 59 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt. I, Sch. 39 (with s. 1(4))

#### *Roads (Northern Ireland) Order 1993 (N.I.15)*

- 60 (1) The Roads (Northern Ireland) Order 1993 is amended as follows.
- (2) In Article 131 (application of Arbitration Act) for “the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.
- (3) In Schedule 4 (disputes), in paragraph 3(2) for “the Arbitration Act (Northern Ireland) 1937” substitute “ Part I of the Arbitration Act 1996 ”.

#### *Merchant Shipping Act 1995 (c.21)*

- 61 In Part II of Schedule 6 to the Merchant Shipping Act 1995 (provisions having effect in connection with Convention Relating to the Carriage of Passengers and Their Luggage by Sea), for paragraph 7 substitute—
- “7 Article 16 shall apply to arbitral proceedings as it applies to an action; and, as respects England and Wales and Northern Ireland, the provisions of section 14 of the Arbitration Act 1996 apply to determine for the purposes of that Article when an arbitration is commenced.”.

#### *Industrial Tribunals Act 1996 (c.17)*

- 62 In section 6(2) of the Industrial Tribunals Act 1996 (procedure of industrial tribunals), for “The Arbitration Act 1950” substitute “ Part I of the Arbitration Act 1996 ”.

## SCHEDULE 4

Section 107(2).

### REPEALS

#### Commencement Information

- I2** Sch. 4 wholly in force 31.1.1997; Sch. 4 not in force at Royal Assent see s. 109(1); Sch. 4 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

Chapter	Short title	Extent of repeal
1892 c. 43.	Military Lands Act 1892.	In section 21(b), the words “under the Arbitration Act 1889”.

*Status: Point in time view as at 08/05/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996. (See end of Document for details)*

1922 c. 51.	Allotments Act 1922.	In section 21(3), the words “under the Arbitration Act 1889”.
1937 c. 8 (N.I.).	Arbitration Act (Northern Ireland) 1937.	The whole Act.
1949 c. 54.	Wireless Telegraphy Act 1949.	In Schedule 2, paragraph 3(3).
1949 c. 97.	National Parks and Access to the Countryside Act 1949.	In section 18(4), the words from “Without prejudice” to “England or Wales”.
1950 c. 27.	Arbitration Act 1950.	Part I. Section 42(3).
1958 c. 47.	Agricultural Marketing Act 1958.	Section 53(8).
1962 c. 46.	Transport Act 1962.	In Schedule 11, Part II, paragraph 7.
1964 c. 14.	Plant Varieties and Seeds Act 1964.	In section 10(4) the words from “or in section 9” to “three arbitrators”. Section 39(3)(b)(i).
1964 c. 29 (N.I.).	Lands Tribunal and Compensation Act (Northern Ireland) 1964.	In section 9(3) the words from “so, however, that” to the end.
1965 c. 12.	Industrial and Provident Societies Act 1965.	In section 60(8)(b), the words “by virtue of section 12 of the said Act of 1950”.
1965 c. 37.	Carriage of Goods by Road Act 1965.	Section 7(2)(b).
1965 c. 13 (N.I.).	New Towns Act (Northern Ireland) 1965.	In section 27(2), the words from “under and in accordance with” to the end.
1969 c. 24 (N.I.).	Industrial and Provident Societies Act (Northern Ireland) 1969.	In section 69(7)— (a) in the opening words, the words from “and without prejudice” to “1937”; (b) in paragraph (b), the words “the registrar or” and “registrar or”.
1970 c. 31.	Administration of Justice Act 1970.	Section 4. Schedule 3.
1973 c. 41.	Fair Trading Act 1973.	Section 33(2)(d).
1973 N.I. 1.	Drainage (Northern Ireland) Order 1973.	In Article 15(4), the words from “under and in accordance” to the end. Article 40(4).

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		In Schedule 7, in paragraph 9(2), the words from “under and in accordance” to the end.
1974 c. 47.	Solicitors Act 1974.	In section 87(1), in the definition of “contentious business”, the words “appointed under the Arbitration Act 1950”.
1975 c. 3.	Arbitration Act 1975.	The whole Act.
1975 c. 74.	Petroleum and Submarine Pipe-Lines Act 1975.	In Part II of Schedule 2— (a) in model clause 40(2), the words “in accordance with the Arbitration Act 1950”; (b) in model clause 40(2B), the words “in accordance with the Arbitration Act (Northern Ireland) 1937”. In Part II of Schedule 3, in model clause 38(2), the words “in accordance with the Arbitration Act 1950”.
1976 N.I. 12.	Solicitors (Northern Ireland) Order 1976.	In Article 3(2), in the entry “contentious business”, the words “appointed under the Arbitration Act (Northern Ireland) 1937”. Article 71H(3).
1977 c. 37.	Patents Act 1977.	In section 52(4) the words “section 21 of the Arbitration Act 1950 or, as the case may be, section 22 of the Arbitration Act (Northern Ireland) 1937 (statement of cases by arbitrators); but”. Section 131(e).
1977 c. 38.	Administration of Justice Act 1977.	Section 17(2).
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	In section 35(2), paragraph (g)(v). In Schedule 5, the amendment to the Arbitration Act 1950.
1979 c. 42.	Arbitration Act 1979.	The whole Act.
1980 c. 58.	Limitation Act 1980.	Section 34.
1980 N.I. 3.	County Courts (Northern Ireland) Order 1980.	Article 31(3).

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1981 c. 54.	Supreme Court Act 1981.	Section 148.
1982 c. 27.	Civil Jurisdiction and Judgments Act 1982.	Section 25(3)(c) and (5).  In section 26— (a) in subsection (1), the words “to arbitration or”; (b) in subsection (1)(a)(i), the words “arbitration or”; (c) in subsection (2), the words “arbitration or”.
1982 c. 53.	Administration of Justice Act 1982.	Section 15(6). In Schedule 1, Part IV.
1984 c. 5.	Merchant Shipping Act 1984.	Section 4(8).
1984 c. 12.	Telecommunications Act 1984.	Schedule 2, paragraph 13(8).
1984 c. 16.	Foreign Limitation Periods Act 1984.	Section 5.
1984 c. 28.	County Courts Act 1984.	In Schedule 2, paragraph 70.
1985 c. 61.	Administration of Justice Act 1985.	Section 58. In Schedule 9, paragraph 15.
1985 c. 68.	Housing Act 1985.	In Schedule 18, in paragraph 6(2) the words from “and the Arbitration Act 1950” to the end.
1985 N.I. 12.	Credit Unions (Northern Ireland) Order 1985.	In Article 72(7)— (a) in the opening words, the words from “and without prejudice” to “1937”; (b) in sub-paragraph (b), the words “the registrar or” and “registrar or”.
1986 c. 45.	Insolvency Act 1986.	In Schedule 14, the entry relating to the Arbitration Act 1950.
1988 c. 8.	Multilateral Investment Guarantee Agency Act 1988.	Section 8(3).
1988 c. 21.	Consumer Arbitration Agreements Act 1988.	The whole Act.
1989 N.I. 11.	Limitation (Northern Ireland) Order 1989.	Article 72. In Schedule 3, paragraph 1.
1989 N.I. 19.	Insolvency (Northern Ireland) Order 1989.	In Part II of Schedule 9, paragraph 66.
1990 c. 41.	Courts and Legal Services Act 1990.	Sections 99 and 101 to 103.

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1991 N.I. 7.	Food Safety (Northern Ireland) Order 1991.	In Articles 8(8) and 11(10), the words from “and the provisions” to the end.
1992 c. 40.	Friendly Societies Act 1992.	In Schedule 16, paragraph 30(1).
1995 c. 8.	Agricultural Tenancies Act 1995.	Section 28(4).
1995 c. 21.	Merchant Shipping Act 1995.	Section 96(10). Section 264(9).
1995 c. 42.	Private International Law (Miscellaneous Provisions) Act 1995.	Section 3.

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Point in time view as at 08/05/1998.

**Changes to legislation:**

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