



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

##### *Commencement of arbitral proceedings*

#### **12 Power of court to extend time for beginning arbitral proceedings, &c.**

- (1) Where an arbitration agreement to refer future disputes to arbitration provides that a claim shall be barred, or the claimant's right extinguished, unless the claimant takes within a time fixed by the agreement some step—
  - (a) to begin arbitral proceedings, or
  - (b) to begin other dispute resolution procedures which must be exhausted before arbitral proceedings can be begun,the court may by order extend the time for taking that step.
- (2) Any party to the arbitration agreement may apply for such an order (upon notice to the other parties), but only after a claim has arisen and after exhausting any available arbitral process for obtaining an extension of time.
- (3) The court shall make an order only if satisfied—
  - (a) that the circumstances are such as were outside the reasonable contemplation of the parties when they agreed the provision in question, and that it would be just to extend the time, or
  - (b) that the conduct of one party makes it unjust to hold the other party to the strict terms of the provision in question.
- (4) The court may extend the time for such period and on such terms as it thinks fit, and may do so whether or not the time previously fixed (by agreement or by a previous order) has expired.
- (5) An order under this section does not affect the operation of the Limitation Acts (see section 13).

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*Changes to legislation: There are currently no known outstanding effects  
for the Arbitration Act 1996, Section 12. (See end of Document for details)*

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- (6) The leave of the court is required for any appeal from a decision of the court under this section.

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Section 12.