

SCHEDULES

SCHEDULE 1

Section 22

MODIFICATIONS OF THE ARBITRATION ACT 1996 IN RELATION TO ARBITRATIONS UNDER THIS ACT

- 1 Part 1 of the Arbitration Act 1996 has effect in relation to arbitrations under this Act as if the following were omitted—
- (a) in section 14 (commencement of arbitral proceedings), subsections (1) and (2);
 - (b) in section 15 (arbitral tribunal), in subsection (1), the words “or umpire”;
 - (c) sections 16 to 19 (appointment of arbitrators);
 - (d) in section 20 (chairman), subsections (1) and (2);
 - (e) section 21 (umpire);
 - (f) in section 22 (decision-making where no chairman or umpire), subsection (1);
 - (g) in section 23 (revocation of the arbitrator’s authority), subsections (1), (2), (3)(a), (4) and (5)(a);
 - (h) in section 25 (resignation of arbitrator), subsections (1) and (2);
 - (i) in section 27 (filling of vacancy), subsections (1) to (3);
 - (j) in section 30 (competence of tribunal to rule on its own jurisdiction), in subsection (1), the words “Unless otherwise agreed by the parties”;
 - (k) in section 37 (power to appoint experts, legal advisers or assessors), in subsection (1), the words “Unless otherwise agreed by the parties”;
 - (l) in section 38 (general powers exercisable by the tribunal), subsections (1) to (4);
 - (m) in section 39 (power to make provisional awards), in subsection (2)(a), the words “or the disposition of property”;
 - (n) in section 48 (remedies), subsections (1), (2) and (5)(b) and (c);
 - (o) in section 49 (interest), subsections (1) to (3), (5) and (6);
 - (p) in section 51 (settlement)—
 - (i) in subsection (1), the words “unless otherwise agreed by the parties”; and
 - (ii) in subsection (2), the words “if so requested by the parties and not objected to by the tribunal”;
 - (q) in section 52 (form of award), subsections (1) and (2);
 - (r) in section 58 (effect of award), in subsection (1), the words “Unless otherwise agreed by the parties”;
 - (s) in section 68 (challenging the award: serious irregularity), in subsection (2)(e), the words “vested by the parties”.
- 2 Part 1 of the Arbitration Act 1996 has effect in relation to arbitrations under this Act as if —

Status: This is the original version (as it was originally enacted).

- (a) in section 20 (chairman), in subsection (3), at the beginning there were inserted “Where there is a chairman,”;
- (b) in section 22 (decision-making where no chairman), in subsection (2) for “If there is no such agreement” there were substituted “Where there are two or more arbitrators with no chairman”;
- (c) in section 34 (procedural and evidential matters), in subsection (1) after “matters”, there were inserted “(including in relation to oral hearings held in public)”;
- (d) in section 35 (consolidation of proceedings and concurrent hearings), in subsection (2), for the words from “Unless” to “has no” there were substituted “The tribunal also has”;
- (e) in section 37 (power to appoint experts, legal advisers or assessors), in subsection (1)(a), after “tribunal may” there were inserted “, where agreed by the parties”;
- (f) in section 68 (challenging the award: serious irregularity), in subsection (2) (c), the words “procedure agreed by the parties” were substituted by “statutory procedure”;
- (g) in section 74 (immunity of arbitral institutions)—
 - (i) in subsection (1), for “appoint or nominate” there were substituted “appoint, nominate or remove”;
 - (ii) in subsection (2), for “appointed or nominated”, in both places, there were substituted “appointed, nominated or removed”.

3 The modifications under paragraphs 1 and 2 are without prejudice to the operation of sections 94 to 98 of the Arbitration Act 1996 in relation to other provisions.