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STATUTORY INSTRUMENTS

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**1985 No. 1**

**CONSUMER PROTECTION**

**The Supply of Services (Exclusion of Implied Terms) Order 1985**

*Made* - - - *4th January 1985*

*Laid before Parliament* *14th January 1985*

*Coming into Operation* *1st March 1985*

The Secretary of State, in exercise of the powers conferred on him by section 12(4) of the Supply of Goods and Services Act 1982(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Supply of Services (Exclusion of Implied Terms) Order 1985 and shall come into operation on 1st March 1985.

2. Section 13 of the Supply of Goods and Services Act 1982 (which provides that, in a contract for the supply of a service where the supplier is acting in the course of a business, there is an implied term that the supplier will carry out the service with reasonable care and skill) shall not apply to the services rendered by an arbitrator (including an umpire) in his capacity as such.

*Alexander Fletcher,*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry.

4th January 1985.

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(a) 1982 c.29.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Section 13 of the Supply of Goods and Services Act 1982 provides that, in a contract for the supply of a service where the supplier is acting in the course of a business, there is an implied term that the supplier will carry out the service with reasonable care and skill.

The Secretary of State has power, under section 12(4), to provide by order that section 13 shall not apply to services of a description specified in the order.

This Order provides that section 13 shall not apply to the services rendered by an arbitrator (including an umpire) in his capacity as such.

The obligations (if any) which arbitrators owe to the parties to an arbitration will, in cases where the subject is not dealt with in their contract or otherwise provided for, accordingly be governed by the common law and not section 13 of the 1982 Act.

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