



# Arbitration Act 1996

## CHAPTER 23

### ARBITRATION ACT 1996

#### PART I

##### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

###### *Introductory*

- 1 General principles.
- 2 Scope of application of provisions.
- 3 The seat of the arbitration.
- 4 Mandatory and non-mandatory provisions.
- 5 Agreements to be in writing.

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- 7 Separability of arbitration agreement.
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###### *Stay of legal proceedings*

- 9 Stay of legal proceedings.
- 10 Reference of interpleader issue to arbitration.
- 11 Retention of security where Admiralty proceedings stayed.

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- 12 Power of court to extend time for beginning arbitral proceedings, &c.
- 13 Application of Limitation Acts.
- 14 Commencement of arbitral proceedings.

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

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### *The arbitral tribunal*

- 15 The arbitral tribunal.
- 16 Procedure for appointment of arbitrators.
- 17 Power in case of default to appoint sole arbitrator.
- 18 Failure of appointment procedure.
- 19 Court to have regard to agreed qualifications.
- 20 Chairman.
- 21 Umpire.
- 22 Decision-making where no chairman or umpire.
- 23 Revocation of arbitrator's authority.
- 24 Power of court to remove arbitrator.
- 25 Resignation of arbitrator.
- 26 Death of arbitrator or person appointing him.
- 27 Filling of vacancy, &c.
- 28 Joint and several liability of parties to arbitrators for fees and expenses.
- 29 Immunity of arbitrator.

### *Jurisdiction of the arbitral tribunal*

- 30 Competence of tribunal to rule on its own jurisdiction.
- 31 Objection to substantive jurisdiction of tribunal.
- 32 Determination of preliminary point of jurisdiction.

### *The arbitral proceedings*

- 33 General duty of the tribunal.
- 34 Procedural and evidential matters.
- 35 Consolidation of proceedings and concurrent hearings.
- 36 Legal or other representation.
- 37 Power to appoint experts, legal advisers or assessors.
- 38 General powers exercisable by the tribunal.
- 39 Power to make provisional awards.
- 40 General duty of parties.
- 41 Powers of tribunal in case of party's default.

### *Powers of court in relation to arbitral proceedings*

- 42 Enforcement of peremptory orders of tribunal.
- 43 Securing the attendance of witnesses.
- 44 Court powers exercisable in support of arbitral proceedings.
- 45 Determination of preliminary point of law.

### *The award*

- 46 Rules applicable to substance of dispute.
- 47 Awards on different issues, &c.
- 48 Remedies.
- 49 Interest.
- 50 Extension of time for making award.
- 51 Settlement.
- 52 Form of award.
- 53 Place where award treated as made.
- 54 Date of award.
- 55 Notification of award.

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- 56 Power to withhold award in case of non-payment.
- 57 Correction of award or additional award.
- 58 Effect of award.

#### *Costs of the arbitration*

- 59 Costs of the arbitration.
- 60 Agreement to pay costs in any event.
- 61 Award of costs.
- 62 Effect of agreement or award about costs.
- 63 The recoverable costs of the arbitration.
- 64 Recoverable fees and expenses of arbitrators.
- 65 Power to limit recoverable costs.

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- 67 Challenging the award: substantive jurisdiction.
- 68 Challenging the award: serious irregularity.
- 69 Appeal on point of law.
- 70 Challenge or appeal: supplementary provisions.
- 71 Challenge or appeal: effect of order of court.

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- 73 Loss of right to object.
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- 75 Charge to secure payment of solicitors' costs.

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- 78 Reckoning periods of time.
- 79 Power of court to extend time limits relating to arbitral proceedings.
- 80 Notice and other requirements in connection with legal proceedings.
- 81 Saving for certain matters governed by common law.
- 82 Minor definitions.
- 83 Index of defined expressions: Part I.
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- 85 Modification of Part I in relation to domestic arbitration agreement.
- 86 Staying of legal proceedings.
- 87 Effectiveness of agreement to exclude court's jurisdiction.
- 88 Power to repeal or amend sections 85 to 87.

#### *Consumer arbitration agreements*

- 89 Application of unfair terms regulations to consumer arbitration agreements.

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- 90 Regulations apply where consumer is a legal person.
- 91 Arbitration agreement unfair where modest amount sought.

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- 92 Exclusion of Part I in relation to small claims arbitration in the county court.

*Appointment of judges as arbitrators*

- 93 Appointment of judges as arbitrators.

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sections 9 to 11 (stay of legal proceedings); section 12...

SCHEDULE 2 — Modifications of Part I in relation to judge-arbitrators

*Introductory*

- 1 In this Schedule “judge-arbitrator” means a judge of the Commercial...

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### *General*

2 (1) Subject to the following provisions of this Schedule, references...

#### *Arbitrator's fees*

3 (1) The power of the court in section 28(2) to...

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

4 (1) Where the arbitral tribunal consists of or includes a...

#### *Extension of time for making award*

5 (1) The power conferred by section 50 (extension of time...

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

6 (1) The provisions of paragraph 7 apply in place of...

7 (1) A judge-arbitrator may refuse to deliver an award except...

#### *Correction of award or additional award*

8 Subsections (4) to (6) of section 57 (correction of award...

### *Costs*

9 Where the arbitral tribunal consists of or includes a judge-arbitrator...

10 (1) The power of the court under section 64 to...

#### *Enforcement of award*

11 The leave of the court required by section 66 (enforcement...

#### *Solicitors' costs*

12 The powers of the court to make declarations and orders...

#### *Powers of court in relation to service of documents*

13 (1) The power of the court under section 77(2) (powers...

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

14 (1) The power conferred by section 79 (power of court...

### SCHEDULE 3 — Consequential amendments

#### *Merchant Shipping Act 1894 (c.60)*

1 In section 496 of the Merchant Shipping Act 1894 (provisions...

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

2 In section 4(1) of the Stannaries Court (Abolition) Act 1896...

#### *Tithe Act 1936 (c.43)*

3 In section 39(1) of the Tithe Act 1936 (proceedings of...

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*Education Act 1944 (c.31)*

4 .....

*Commonwealth Telegraphs Act 1949 (c.39)*

5 In section 8(2) of the Commonwealth Telegraphs Act 1949  
(proceedings...

*Lands Tribunal Act 1949 (c.42)*

6 In section 3 of the Lands Tribunal Act 1949 (proceedings...

*Wireless Telegraphy Act 1949 (c.54)*

7 In the Wireless Telegraphy Act 1949, Schedule 2 (procedure of...

*Patents Act 1949 (c.87)*

8 In section 67 of the Patents Act 1949 (proceedings as...

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

9 In section 7(8) of the National Health Service (Amendment) Act...

*Arbitration Act 1950 (c.27)*

10 In section 36(1) of the Arbitration Act 1950 (effect of...

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

11 In section 46(2) of the Interpretation Act (Northern Ireland) 1954...

*Agricultural Marketing Act 1958 (c.47)*

12 In section 12(1) of the Agricultural Marketing Act 1958 (application...

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

13 (1) The Carriage by Air Act 1961 is amended as...

*Factories Act 1961 (c.34)*

14 In the Factories Act 1961, for section 171 (application of...

*Clergy Pensions Measure 1961 (No. 3)*

15 In the Clergy Pensions Measure 1961, section 38(4) (determination of...

*Transport Act 1962 (c.46)*

16 (1) The Transport Act 1962 is amended as follows.

*Corn Rents Act 1963 (c.14)*

17 In the Corn Rents Act 1963, section 1(5) (schemes for...

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

18 .....

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

19 In section 9 of the Lands Tribunal and Compensation Act...

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

20 (1) Section 60 of the Industrial and Provident Societies Act...

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

21 In section 7(2) of the Carriage of Goods by Road...

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

22 In section 171 of the Factories Act (Northern Ireland) 1965...

*Commonwealth Secretariat Act 1966 (c.10)*

23 In section 1(3) of the Commonwealth Secretariat Act 1966 (contracts...

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

24 In the Arbitration (International Investment Disputes) Act 1966, for section...

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

25 In paragraph 10(4) of the Schedule to the Poultry Improvement...

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

26 (1) Section 69 of the Industrial and Provident Societies Act...

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

27 In Article 105(6) of the Health and Personal Social Services...

*Consumer Credit Act 1974 (c.39)*

28 (1) Section 146 of the Consumer Credit Act 1974 is...

*Friendly Societies Act 1974 (c.46)*

29 (1) The Friendly Societies Act 1974 is amended as follows....

*Industry Act 1975 (c.68)*

30 In Schedule 3 to the Industry Act (arbitration of disputes...

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

31 .....

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

32 In Schedule 7 to the Aircraft and Shipbuilding Industries Act...

*Patents Act 1977 (c.37)*

33 In section 130 of the Patents Act 1977 (interpretation), in...

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

34 (1) The Judicature (Northern Ireland) Act 1978 is amended as...

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

35 In Schedule 4 to the Health and Safety at Work...

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

36 (1) The County Courts (Northern Ireland) Order 1980 is amended...

*Supreme Court Act 1981 (c.54)*

37 (1) The Supreme Court Act 1981 is amended as follows....

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

38 In section 7(5) of the Merchant Shipping (Liner Conferences) Act...

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

39 In Article 14 of the Agricultural Marketing (Northern Ireland) Order...

*Mental Health Act 1983 (c.20)*

40 In section 78 of the Mental Health Act 1983 (procedure...

*Registered Homes Act 1984 (c.23)*

41 In section 43 of the Registered Homes Act 1984 (procedure...

*Housing Act 1985 (c.68)*

42 In section 47(3) of the Housing Act 1985 (agreement as...

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

43 .....

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

44 (1) Article 72 of the Credit Unions (Northern Ireland) Order...

*Agricultural Holdings Act 1986 (c.5)*

45 In section 84(1) of the Agricultural Holdings Act 1986 (provisions...

*Insolvency Act 1986 (c.45)*

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

*Building Societies Act 1986 (c.53)*

47 In Part II of Schedule 14 to the Building Societies...

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

48 In Article 83 of the Mental Health (Northern Ireland) Order...



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

49 For section 6 of the Multilateral Investment Guarantee Agency Act...

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

50 In section 150 of the Copyright, Designs and Patents Act...

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

51 .....

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

52 In Article 2(2) of the Limitation (Northern Ireland) Order 1989...

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

53 In the Insolvency (Northern Ireland) Order 1989, after Article 320...

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

54 In section 59 of the Social Security Administration Act 1992...

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

55 .....

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

56 In sections 212(5) and 263(6) of the Trade Union and...

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

57 In Articles 84(9) and 92(5) of the Industrial Relations (Northern...

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

58 In Article 33(3) of the Registered Homes (Northern Ireland) Order...

*Education Act 1993 (c.35)*

59 .....

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

60 (1) The Roads (Northern Ireland) Order 1993 is amended as...

*Merchant Shipping Act 1995 (c.21)*

61 In Part II of Schedule 6 to the Merchant Shipping...

*Employment Tribunals Act 1996 (c.17)*

62 In section 6(2) of the Employment Tribunals Act 1996 (procedure...

SCHEDULE 4 — Repeals

**Status:**

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