



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

13 Application of Limitation Acts.

- (1) The Limitation Acts apply to arbitral proceedings as they apply to legal proceedings.
- (2) The court may order that in computing the time prescribed by the Limitation Acts for the commencement of proceedings (including arbitral proceedings) in respect of a dispute which was the subject matter—
- (a) of an award which the court orders to be set aside or declares to be of no effect, or
 - (b) of the affected part of an award which the court orders to be set aside in part, or declares to be in part of no effect,
- the period between the commencement of the arbitration and the date of the order referred to in paragraph (a) or (b) shall be excluded.
- (3) In determining for the purposes of the Limitation Acts when a cause of action accrued, any provision that an award is a condition precedent to the bringing of legal proceedings in respect of a matter to which an arbitration agreement applies shall be disregarded.
- (4) In this Part “the Limitation Acts” means—
- (a) in England and Wales, the ^{M1}Limitation Act 1980, the ^{M2}Foreign Limitation Periods Act 1984 and any other enactment (whenever passed) relating to the limitation of actions;
 - (b) in Northern Ireland, the ^{M3}Limitation (Northern Ireland) Order 1989, the ^{M4}Foreign Limitation Periods (Northern Ireland) Order 1985 and any other enactment (whenever passed) relating to the limitation of actions.

Marginal Citations

- M1** 1980 c. 58.
M2 1984 c. 16.
M3 S.I. 1989/1339 (N.I. 11).
M4 S.I. 1985/754 (N.I. 5).

14 Commencement of arbitral proceedings.

- (1) The parties are free to agree when arbitral proceedings are to be regarded as commenced for the purposes of this Part and for the purposes of the Limitation Acts.
- (2) If there is no such agreement the following provisions apply.
- (3) Where the arbitrator is named or designated in the arbitration agreement, arbitral proceedings are commenced in respect of a matter when one party serves on the other party or parties a notice in writing requiring him or them to submit that matter to the person so named or designated.
- (4) Where the arbitrator or arbitrators are to be appointed by the parties, arbitral proceedings are commenced in respect of a matter when one party serves on the other

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party or parties notice in writing requiring him or them to appoint an arbitrator or to agree to the appointment of an arbitrator in respect of that matter.

- (5) Where the arbitrator or arbitrators are to be appointed by a person other than a party to the proceedings, arbitral proceedings are commenced in respect of a matter when one party gives notice in writing to that person requesting him to make the appointment in respect of that matter.

Modifications etc. (not altering text)

C1 S. 14 applied (31.1.1997) by 1894 c. 60, s. 496(5) (as inserted by 1996 c. 23, s. 107(1), Sch. 3 para. 1) (with s. 81(2)); S.I. 1996/3146, art. 3 (with art. 4, Sch. 2)

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