



Arbitration Act 1996

1996 CHAPTER 23

PART II **U.K.**

OTHER PROVISIONS RELATING TO ARBITRATION

Consumer arbitration agreements

89 **Application of unfair terms regulations to consumer arbitration agreements.** **U.K.**

- (1) The following sections extend the application of the ^{M1}Unfair Terms in Consumer Contracts Regulations 1994 in relation to a term which constitutes an arbitration agreement.

For this purpose “arbitration agreement” means an agreement to submit to arbitration present or future disputes or differences (whether or not contractual).

- (2) In those sections “the Regulations” means those regulations and includes any regulations amending or replacing those regulations.
- (3) Those sections apply whatever the law applicable to the arbitration agreement.

Marginal Citations

M1 [S.I. 1994/3159](#)

90 **Regulations apply where consumer is a legal person.** **U.K.**

The Regulations apply where the consumer is a legal person as they apply where the consumer is a natural person.

Status: Point in time view as at 19/05/1999.

Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Cross Heading: Consumer arbitration agreements. (See end of Document for details)

91 Arbitration agreement unfair where modest amount sought. **U.K.**

- (1) A term which constitutes an arbitration agreement is unfair for the purposes of the Regulations so far as it relates to a claim for a pecuniary remedy which does not exceed the amount specified by order for the purposes of this section.
- (2) Orders under this section may make different provision for different cases and for different purposes.
- (3) The power to make orders under this section is exercisable—
 - (a) for England and Wales, by the Secretary of State with the concurrence of the Lord Chancellor,
 - (b) for Scotland, by the Secretary of State ^{F1} . . . , and
 - (c) for Northern Ireland, by the Department of Economic Development for Northern Ireland with the concurrence of the Lord Chancellor.
- (4) Any such order for England and Wales or Scotland shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any such order for Northern Ireland shall be a statutory rule for the purposes of the ^{M2}Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution, within the meaning of section 41(6) of the ^{M3}Interpretation Act (Northern Ireland) 1954.

Textual Amendments

F1 Words in s. 91(3)(b) repealed (19.5.1999) by S.I. 1999/678, art. 6

Modifications etc. (not altering text)

C1 S. 91(3): functions of the Lord Advocate transferred (19.5.1999) to the Secretary of State by virtue of S.I. 1999/678, arts. 2(1), Sch. (with art. 7)

Commencement Information

I1 S. 91 wholly in force 31.1.1997: S. 91 not in force at Royal Assent see s. 109(1); S. 91 in force for certain purposes only at 17.12.1996 otherwise in force at 31.1.1997 by S.I.1996/3146, arts. 2, 3, Sch. 1;

Marginal Citations

M2 S.I. 1979/1573 (N.I. 12).

M3 1954 c. 33 (N.I.).

Status:

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Changes to legislation:

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