



Arbitration Act 1996

1996 CHAPTER 23

PART I

ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

The award

46 Rules applicable to substance of dispute.

- (1) The arbitral tribunal shall decide the dispute—
 - (a) in accordance with the law chosen by the parties as applicable to the substance of the dispute, or
 - (b) if the parties so agree, in accordance with such other considerations as are agreed by them or determined by the tribunal.
- (2) For this purpose the choice of the laws of a country shall be understood to refer to the substantive laws of that country and not its conflict of laws rules.
- (3) If or to the extent that there is no such choice or agreement, the tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.

Modifications etc. (not altering text)

- C1** S. 46(1)(b) applied (with modifications) (E.W.) (21.5.2001) by [S.I. 2001/1185, art. 4\(1\)](#) (which amending S.I. was revoked (6.4.2004) by [S.I. 2004/753, art. 3](#) (subject to [art. 8](#)))
- S. 46(1)(b) applied (with modifications) (N.I.) (28.4.2002) by [Labour Relations Agency Arbitration Scheme Order \(Northern Ireland\) 2002 \(S.R. 2002/120\), art. 4](#)
- C2** S. 46(1)(b) applied (with modifications) (E.W.) (6.4.2003) by [The ACAS \(Flexible Working\) Arbitration Scheme \(England and Wales\) Order 2003 \(S.I. 2003/694\), art. 4](#) (which amending S.I. was revoked (1.10.2004) by [S.I. 2004/2333, art. 3](#) (subject to [art. 6](#)))
- C3** S. 46(1)(b) applied (with modifications) (E.W.) (6.4.2004) by [The ACAS Arbitration Scheme \(Great Britain\) Order 2004 \(S.I. 2004/753\), art. 5\(1\)](#)
- C4** S. 46(1)(b) applied (with modifications) (E.W.) (1.10.2004) by [The ACAS \(Flexible Working\) Arbitration Scheme \(Great Britain\) Order 2004 \(S.I. 2004/2333\), art. 5](#) (with [art. 6](#))

Status: Point in time view as at 31/01/1997. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Section 46. (See end of Document for details)

C5 S. 46(1)(b) applied (with modifications) (N.I.) (21.5.2006) by [The Labour Relations Agency \(Flexible Working\) Arbitration Scheme Order \(Northern Ireland\) 2006 \(S.R. 2006/206\)](#), **art. 4**

Status:

Point in time view as at 31/01/1997. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Arbitration Act 1996, Section 46.