



Arbitration Act 1950

1950 CHAPTER 27 14 Geo 6

PART I

GENERAL PROVISIONS AS TO ARBITRATION

Arbitrators and Umpires

6 When reference is to a single arbitrator.

Unless a contrary intention is expressed therein, every arbitration agreement shall, if no other mode of reference is provided, be deemed to include a provision that the reference shall be to a single arbitrator.

7 Power of parties in certain cases to supply vacancy.

Where an arbitration agreement provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a contrary intention is expressed therein—

- (a) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place;
- (b) if, on such a reference, one party fails to appoint an arbitrator, either originally, or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the High Court or a judge thereof may set aside any appointment made in pursuance of this section.

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1950, Cross Heading: Arbitrators and Umpires. (See end of Document for details)

8 Umpires.

- (1) Unless a contrary intention is expressed therein, every arbitration agreement shall, where the reference is to two arbitrators, be deemed to include a provision that the two arbitrators [^{F1}may appoint an umpire at any time]after they are themselves appointed [^{F2}and shall do so forthwith if they cannot agree].
- (2) Unless a contrary intention is expressed therein, every arbitration agreement shall, where such a provision is applicable to the reference, be deemed to include a provision that if the arbitrators have delivered to any party to the arbitration agreement, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.
- (3) At any time after the appointment of an umpire, however appointed, the High Court may, on the application of any party to the reference and notwithstanding anything to the contrary in the arbitration agreement, order that the umpire shall enter upon the reference in lieu of the arbitrators and as if he were a sole arbitrator.

Textual Amendments

- F1** Words substituted by [Arbitration Act 1979 \(c. 42, SIF 5\), s. 6\(1\)](#)
F2 Words added by [Arbitration Act 1979 \(c. 42, SIF 5\), s. 6\(1\)](#)

[^{F3}9 Majority award of three arbitrators.

Unless the contrary intention is expressed in the arbitration agreement, in any case where there is a reference to three arbitrators, the award of any two of the arbitrators shall be binding.]

Textual Amendments

- F3** [S. 9](#) substituted by [Arbitration Act 1979 \(c. 42, SIF 5\), s. 6\(2\)](#)

Modifications etc. (not altering text)

- C4** [S. 9](#) excluded by [Plant Varieties and Seeds Act 1964 \(c. 14\), s. 10\(4\)](#)

10 Power of court in certain cases to appoint an arbitrator or umpire.

In any of the following cases—

- (a) where an arbitration agreement provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator;
- (b) if an appointed arbitrator refuses to act, or is incapable of acting, or dies, and the arbitration agreement does not show that it was intended that the vacancy should not be supplied and the parties do not supply the vacancy;
- (c) where the parties or two arbitrators are [^{F4}required or are] at liberty to appoint an umpire or third arbitrator and do not appoint him, . . . ^{F5}
- (d) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, and the arbitration agreement does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

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any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint or, as the case may be, concur in appointing, an arbitrator, umpire or third arbitrator, and if the appointment is not made within seven clear days after the service of the notice, the High Court or a judge thereof may, on application by the party who gave the notice, appoint an arbitrator, umpire or third arbitrator who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

[^{F6}(2) In any case where—

- (a) an arbitration agreement provides for the appointment of an arbitrator or umpire by a person who is neither one of the parties nor an existing arbitrator (whether the provision applies directly or in default of agreement by the parties or otherwise), and
- (b) that person refuses to make the appointment or does not make it within the time specified in the agreement or, if no time is so specified, within a reasonable time,

any party to the agreement may serve the person in question with a written notice to appoint an arbitrator or umpire and, if the appointment is not made within seven clear days after the service of the notice, the High Court or a judge thereof may, on the application of the party who gave the notice, appoint an arbitrator or umpire who shall have the like powers to act in the reference and make an award as if he had been appointed in accordance with the terms of the agreement.]

[^{F7} In any case where—

- ^{F8}(3)
- (a) an arbitration agreement provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties or in some other manner specified in the agreement; and
 - (b) one of the parties (“the party in default”) refuses to appoint an arbitrator or does not do so within the time specified in the agreement or, if no time is specified, within a reasonable time,

the other party to the agreement, having appointed his arbitrator, may serve the party in default with a written notice to appoint an arbitrator and, if the appointment is not made within seven clear days after the service of the notice, the High Court or a judge thereof may, on the application of the party who gave the notice, appoint an arbitrator on behalf of the party in default who shall have the like powers to act in the reference and make an award (and, if the case so requires, the like duty in relation to the appointment of a third arbitrator) as if he had been appointed in accordance with the terms of the agreement.]

[In any case where—

- ^{F8}(3)
- (a) an arbitration agreement provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties or in some other manner specified in the agreement; and
 - (b) one of the parties (“the party in default”) refuses to appoint an arbitrator or does not do so within the time specified in the agreement or, if no time is specified, within a reasonable time,

the other party to the agreement, having appointed his arbitrator, may serve the party in default with a written notice to appoint an arbitrator.

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- (3A) A notice under subsection (3) must indicate whether it is served for the purposes of subsection (3B) or for the purposes of subsection (3C).
- (3B) Where a notice is served for the purposes of this subsection, then unless a contrary intention is expressed in the agreement, if the required appointment is not made within seven clear days after the service of the notice—
- (a) the party who gave the notice may appoint his arbitrator to act as sole arbitrator in the reference; and
 - (b) his award shall be binding on both parties as if he had been appointed by consent.
- (3C) Where a notice is served for the purposes of this subsection, then, if the required appointment is not made within seven clear days after the service of the notice, the High Court or a judge thereof may, on the application of the party who gave the notice, appoint an arbitrator on behalf of the party in default who shall have the like powers to act in the reference and make an award (and, if the case so requires, the like duty in relation to the appointment of a third arbitrator) as if he had been appointed in accordance with the terms of the agreement.
- (3D) The High Court or a judge thereof may set aside any appointment made by virtue of subsection (3B).]
- (4) Except in a case where the arbitration agreement shows that it was intended that the vacancy should not be supplied, paragraph (b) of each of subsections (2) and (3) shall be construed as extending to any such refusal or failure by a person as is there mentioned arising in connection with the replacement of an arbitrator who was appointed by that person (or, in default of being so appointed, was appointed under that subsection) but who refuses to act, or is incapable of acting or has died.]

Textual Amendments

- F4** Words inserted by [Arbitration Act 1979 \(c. 42, SIF 5\)](#), [s. 6\(3\)](#)
- F5** Words repealed by [Arbitration Act 1979 \(c. 42, SIF 5\)](#), [s. 8\(3\)\(a\)](#)
- F6** [S. 10\(2\)](#) added by [Arbitration Act 1979 \(c. 42, SIF 5\)](#), [s. 6\(4\)](#)
- F7** [S. 10\(3\)\(4\)](#) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 37\)](#), [ss. 58, 69\(5\)](#), [Sch. 9 para. 15](#)
- F8** [S. 10\(3\)–\(3D\)](#) substituted (with saving) (*l. 4. 1991*) for [s. 10\(3\)](#) by [Courts and Legal Services Act 1990 \(c. 41, SIF 5\)](#), [s.101\(1\)\(2\)\(3\)](#); [S.I.1991/608](#), [art. 2](#), [Sch.](#)

[^{F9}11 **Power of official referee to take arbitrations.**

- (1) An official referee may, if in all the circumstances he thinks fit, accept appointment as sole arbitrator, or as umpire, by or by virtue of an arbitration agreement.
- (2) An official referee shall not accept appointment as arbitrator or umpire unless the Lord Chief Justice has informed him that, having regard to the state of official referees' business, he can be made available to do so.
- (3) The fees payable for the services of an official referee as arbitrator or umpire shall be taken in the High Court.
- (4) Schedule 3 to the Administration of Justice Act 1970 (which modifies this Act in relation to arbitration by judges, in particular by substituting the Court of Appeal for

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the High Court in provisions whereby arbitrators and umpires, their proceedings and awards are subject to control and review by the court) shall have effect in relation to official referees appointed as arbitrators or umpires as it has effect in relation to judge-arbitrators and judge-umpires (within the meaning of that Schedule).

- (5) Any jurisdiction which is exercisable by the High Court in relation to arbitrators and umpires otherwise than under this Act shall, in relation to an official referee appointed as arbitrator or umpire, be exercisable instead by the Court of Appeal.
- (6) In this section “official referee” means any person nominated under section 68(1)(a) of the Supreme Court Act 1981 to deal with official referees’ business.
- (7) Rules of the Supreme Court may make provision for—
 - (a) cases in which it is necessary to allocate references made under or by virtue of arbitration agreements to official referees;
 - (b) the transfer of references from one official referee to another.]

Textual Amendments

F9 S. 11 substituted (*l. 4. 1991*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 5\)](#), [s.99](#); S.I. 1991/608, art. 2, [Sch.](#)

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