

EXPLANATORY NOTE

Section 13 of the Supply of Goods and Services Act 1982 provides that, in a contract for the supply of a service where the supplier is acting in the course of a business, there is an implied term that the supplier will carry out the service with reasonable care and skill.

The Secretary of State has power, under section 12(4), to provide by order that section 13 shall not apply to services of a description specified in the order.

This Order provides that section 13 shall not apply to the services rendered by an arbitrator (including an umpire) in his capacity as such.

The obligations (if any) which arbitrators owe to the parties to an arbitration will, in cases where the subject is not dealt with in their contract or otherwise provided for, accordingly be governed by the common law and not section 13 of the 1982 Act.