CONTENTS

0

Table of Table of		tion	xiii xxxi	
PART I—BACKGROUND TO THE ARBITRATION ACT 1996 Introduction Background to the Act Arbitration-related court proceedings Appeals The Arbitration Act 1996 and the Model Law PART II—THE ARBITRATION ACT 1996 Authors' Note				
THE AID	manon	Not 1990 and the Model Eaw	3	
Authors'	Note Arbitrati	ion pursuant to an arbitration agreement	5 5 8 8	
Section	1	General principles	8	
	2	Scope of application of provisions	14	
	3	The seat of the arbitration	18	
	4	Mandatory and non-mandatory provisions	21	
	5	Agreements to be in writing	22	
The Arb	itration	Agreement	26	
	6	Definition of arbitration agreement	26	
	7	Separability of arbitration agreement	34	
	8	Whether agreement discharged by death of a party	38	
Stay of I	roceedings	39		
	9	Stay of legal proceedings	39	
	10	Reference of interpleader issue in arbitration	55	
	11	Retention of security where Admiralty proceedings stayed, etc.	55	
Commer	of Arbitral Proceedings	56		
	12	Power of court to extend time for beginning arbitral proceedings	56	
	13	Application of Limitation Acts	61	
	14	Commencement of arbitral proceedings	64	
The Arb	itral Tri	bunal	68	
	15	The arbitral tribunal	68	
	16	Procedure for appointment of arbitrators	70	
	17	Power in case of default to appoint sole arbitrator	72	
	18	Failure of appointment procedure	75	
	19	Court to have regard to agreed qualifications	77	
	20	Chairman	78	
	21	Umpire	79	
	22	Decision-making where no chairman or umpire	81	
	23	Revocation of arbitrator's authority	81	
	24	Power of court to remove arbitrator	83	

CONTENTS

25	Resignation of arbitrator	93
26	Death of arbitrator or person appointing him	95
27	Filling of vacancy, etc.	95
28	Joint and several liability of parties to arbitrators for fees and	l expenses 96
29	Immunity of arbitrator	100
	ne Arbitral Tribunal	101
30	Competence of tribunal to rule on its own jurisdiction	101
31	Objection to substantive jurisdiction of tribunal	113
32	Determination of preliminary point of jurisdiction	119
The Arbitral Pro		124
33	General duty of the tribunal	124
34 35	Procedural and evidential matters	133
36	Consolidation of proceedings and concurrent hearings	142
37	Legal or other representation	144
38	Power to appoint experts, legal advisers or assessors	145
39	General powers exercisable by the tribunal Power to make provisional awards	146 155
40	General duty of parties	157
41	Powers of tribunal in case of party's default	160
	in Relation to Arbitral Proceedings	165
42	Enforcement of peremptory orders of tribunal	165
43	Securing the attendance of witnesses	167
44	Court powers exercisable in support of arbitral proceedings	171
45	Determination of preliminary point of law	199
The Award		202
46	Rules applicable to substance of dispute	202
47	Awards on different issues, etc.	212
48	Remedies	214
49	Interest	218
50	Extension of time for making award	221
51	Settlement	222
52	Form of award	224
53	Place where award treated as made	229
54	Date of award	229
55	Notification of award	230
56	Power to withhold award in case of non-payment	231
57	Correction of award or additional award	233
58	Effect of award	243
Costs of the Arb		244
59 60	Costs of the arbitration	244
61	Agreement to pay costs in any event	247
62	Award of costs	248
63	Effect of agreement or award about costs The recoverable costs of the arbitration	252
64	Recoverable fees and expenses of arbitrators	253 258
65	Power to limit recoverable costs	260
	ourt in Relation to Award	261
66	Enforcement of the award	261
67	Challenging the award: substantive jurisdiction	291
68	Challenging the award: serious irregularity	303
69	Appeal on point of law	321
70	Challenge or appeal: supplementary provisions	337
71	Challenge or appeal: effect of order of court	349
Miscellaneous	11	350
72	Saving for rights of person who takes no part in proceedings	350
73	Loss of right to object	358
74	Immunity of arbitral institutions, etc.	363
75	Charge to secure payment of solicitors' costs	364

CONTENTS

	Supplementary		364			
	76	Service of notices, etc.	364			
	77	Powers of court in relation to service of documents	367			
	78	Reckoning periods of time	367			
	79	Power of court to extend time limits relating to arbitral proceedings	368			
	80	Notice and other requirements in connection with legal proceedings	371			
	81	Saving for certain matters governed by common law	374			
	82	Minor definitions	375			
	83	Index of defined expressions: Part I	377			
	84	Transitional provisions	378			
	Part II-Other pr	art II—Other provisions relating to arbitration				
	Domestic Arbitra	tion Agreements	379			
	85	Modification of Part I in relation to domestic arbitration agreement	379			
	86	Staying of legal proceedings	379			
	87	Effectiveness of agreement to exclude court's jurisdiction	380			
	88	Power to repeal or amend sections 85 to 87	380			
	Consumer Arbitra	ation Agreements	380			
	89	Application of unfair terms regulations to consumer arbitration agreements	380			
	90	Regulations apply where consumer is a legal person	382			
			382			
	Small Claims Art	bitration in the County Court	383			
	92	Exclusion of Part I in relation to small claims arbitration in the county court	383			
	Appointment of J	Judges as Arbitrators	383			
	93	Appointment of judges as arbitrators	383			
	Statutory Arbitrat		384			
1	94	Application of Part I to statutory arbitrations	384			
	95	General adaptation of provisions in relation to statutory arbitrations	384			
	96	Specific adaptations of provisions in relation to statutory arbitrations	385			
	97	Provisions excluded from applying to statutory arbitrations	385			
	98	Power to make further provisions by regulations	385			
		ition and enforcement of certain foreign awards	386			
		Geneva Convention Awards	386			
	99	Continuation of Part II of the Arbitration Act 1950	386			
		Enforcement of New York Convention Awards	386			
	100	New York Convention awards	386			
	101	Recognition and enforcement of awards	388			
	102	Evidence to be produced by party seeking recognition or enforcement	393			
	103	Refusal of recognition or enforcement	393			
	104	Saving for other bases of recognition or enforcement	410			
	Part IV—General		410			
	105	Meaning of 'the court': jurisdiction of High Court and county court	410			
	106	Crown application	411			
	107	Consequential amendments and repeals	412			
	108	Extent	412			
	109	Commencement	412			
	110	Short title	412			
	Schedule 1	Mandatory Provisions of Part I	413			
	Schedule 2	Modifications of Part I in Relation to Judge–Arbitrators (Section 93(6))	413			
	Schedule 3	Consequential Amendments (Section 107(1))				
	Schedule 4	Repeals (Section 107(2))	416 428			
	Schedule 4	Repeals (Section 107(2))	420			
	Appendix 1	DAC Reports	431			
	Appendix 2	UNCITRAL Model Law	513			
	Appendix 3	CPR Part 62 and Practice Direction	527			
	Appendix 4	New Uork Convention text and list of signatory states	551			
		The contract property and the contract of the				
	Index		559			