

The Arbitration Act 1996 (Commencement No.1) Order 1996

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Statutory Instruments

1996 No. 3146 (C.96)

ARBITRATION

Made

16th December 1996

The Secretary of State, in exercise of the powers conferred on him by section 109 of the Arbitration Act 1996(1), hereby makes the following Order:

1. This Order may be cited as the Arbitration Act 1996 (Commencement No. 1) Order 1996.
2. The provisions of the Arbitration Act 1996 ("the Act") listed in Schedule 1 to this Order shall come into force on the day after this Order is made.
3. The rest of the Act, except sections 85 to 87, shall come into force on 31st January 1997.
4. The transitional provisions in Schedule 2 to this Order shall have effect.

John M. Taylor,

Parliamentary Under-Secretary of State for Corporate and Consumer Affairs,

Department of Trade and Industry

16th December 1996

Article 2.

SCHEDULE 1

- Section 91 so far as it relates to the power to make orders under the section.
- Section 105.
- Section 107(1) and paragraph 36 of Schedule 3, so far as relating to the provision that may be made by county court rules.
- Section 107(2) and the reference in Schedule 4 to the County Courts (Northern Ireland) Order 1980(2) so far as relating to the above matter.
- Sections 108 to 110.

Article 4.

SCHEDULE 2

1. In this Schedule:

(a) "the appointed day" means the date specified in Article 3 of this Order;

(b) "arbitration application" means any application relating to arbitration made by or in legal proceedings, whether or not arbitral proceedings have commenced;

(c) "the old law" means the enactments specified in section 107 as they stood before their amendment or repeal by the Act.

2. The old law shall continue to apply to:

(a) arbitral proceedings commenced before the appointed day;

(b) arbitration applications commenced or made before the appointed day;

(c)arbitration applications commenced or made on or after the appointed day relating to arbitral proceedings commenced before the appointed day

and the provisions of the Act which would otherwise be applicable shall not apply.

3. The provisions of this Act brought into force by this Order shall apply to any other arbitration application.

4. In the application of paragraph (b) of subsection (1) of section 46 (provision for dispute to be decided in accordance with provisions other than law) to an arbitration agreement made before the appointed day, the agreement shall have effect in accordance with the rules of law (including any conflict of laws rules) as they stood immediately before the appointed day.

Explanatory Note

(This note is not part of the Order)

With one exception, this Order brings into force the provisions of the Arbitration Act 1996. Those provisions necessary to enable the substantive provisions to be brought into force are commenced immediately. The substantive provisions come into force on 31st January 1997. Commencement is subject to transitional provisions designed to ensure continuity of legal proceedings and to preserve the current law on what are known as "honourable engagement" clauses in relation to existing agreements.

Sections 85 to 87, which make special provision in relation to domestic arbitration agreements, are not commenced.