

Arbitration Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 4

LORD HACKING

1 After Clause 4, insert the following new Clause –

“Safeguarding against fraud and corruption

In section 33 of the Arbitration Act 1996 (general duty of the tribunal), after subsection (1)(b) insert –

“(c) safeguard the arbitration proceedings against fraud and corruption.””

Before Clause 10

LORD HACKING

2★ Before Clause 10, insert the following new Clause –

“Award of costs

In section 61(2) of the Arbitration Act 1996 (award of costs), for the words from “costs should follow” to the end substitute “a reasonable amount of the costs of the successful party should be paid by the other party or parties, but account should be taken of costs incurred by the successful party which were unnecessary or excessive in whole or in part and which should not fall to be paid by the other party or parties.””

Clause 13

LORD PONSONBY OF SHULBREDE

3 Leave out Clause 13 and insert the following new Clause –

“Appeals to Court of Appeal from High Court decisions

- (1) In section 18(1) of the Senior Courts Act 1981 (restrictions on appeals to Court of Appeal), for paragraph (g) substitute –
 - “(g) from a decision of the High Court under Part 1 of the Arbitration Act 1996 in a case where that Part makes provision about appeals from the decision, except in accordance with that provision;”.
- (2) In section 35(2) of the Judicature (Northern Ireland) Act 1978 (appeals to Court of Appeal from High Court), for paragraph (fa) substitute –
 - “(fa) from a decision of the High Court under Part 1 of the Arbitration Act 1996 in a case where that Part makes provision about appeals from the decision, except in accordance with that provision;”.
- (3) In Schedule 3 to the Arbitration Act 1996 (consequential amendments), omit paragraphs 34(2) and 37(2).”

Member's explanatory statement

This clause corrects a drafting error identified in the House of Lords' judgment in Inco Europe v First Choice Distribution and makes clear that appeals from High Court decisions under Part 1 of the Arbitration Act 1996 may, subject to provision in that Part, be made to the Court of Appeal.

Title

LORD PONSONBY OF SHULBREDE

4 Title, line 1, after “1996” insert “; and for connected purposes”

Member's explanatory statement

The amendment amends the long title to cover my amendment to replace Clause 13.

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