



The Arbitration Act 1996 Survey

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Your details (please enter your contact details to receive your copy of the report)

Name:	<input type="text"/>
Company:	<input type="text"/>
Address:	<input type="text"/>
City/Town:	<input type="text"/>
State/Province:	<input type="text"/>
Postal Code:	<input type="text"/>
Country:	<input type="text"/>
Email Address:	<input type="text"/>
Telephone Number:	<input type="text"/>

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Please select what best describes you

- ☐ An arbitrator
- ☐ A lawyer
- ☐ A lay claims handler
- ☐ A party
- ☐ An institution
- ☐ Other (please specify - max 10 words)

3

Is your arbitration work primarily (please select up to three responses)

- ☐ International commercial
- ☐ International projects/finance
- ☐ International construction
- ☐ Shipping
- ☐ Commodities
- ☐ Insurance/re-insurance
- ☐ Intellectual property
- ☐ Domestic (UK) commercial
- ☐ Domestic (UK) construction
- ☐ Rent review
- ☐ Other (please specify)

Submit



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Approximately how many arbitrations have you been involved in during the past 5 years? (please select one)

- ☐ 0-20
- ☐ 21-50
- ☐ 51-100
- ☐ 101-200
- ☐ 201-500
- ☐ 500+

5

To help us estimate the number of arbitrations that take place under the Arbitration Act 1996, please make your best guess as to how many such arbitrations there are every year (please select a number for both UK and internationally)

1	2	3	4	5
0-999	1,000-4,999	5,000-9,999	10,000-19,999	20,000+

UK

<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
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Internationally

<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
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Submit

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APPOINTMENTS - Where an arbitration agreement requires a sole arbitrator, and the parties fail to agree upon an individual, an application must be made to the court for an appointment (s.18(3)). Do you think that (please select one)

- ☐ This position should be maintained
- ☐ The party seeking to start arbitration should be able validly to appoint a sole arbitrator after a reasonable interval, without the court's intervention
- ☐ Some other mechanism for the appointment of a sole arbitrator should be provided
- ☐ Don't know

Submit

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In the last question, "Where an arbitration agreement requires a sole arbitrator, and the parties fail to agree upon an individual, an application must be made to the court for an appointment (s.18(3)). Do you think that", you responded that "some other mechanism for the appointment of a sole arbitrator should be provided". Please briefly set out your proposals in the box provided below (max 50 words).

Submit

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JURISDICTION - When an arbitration tribunal rules on its own substantive jurisdiction then, unless that is done under a separate agreement that the tribunal should so rule, the court may (under s.67) effectively re-hear what the tribunal has already heard - both evidence and argument - and make its own decision on the question. Do you think that (please select one)

☒ This position should be maintained

- ☐ An arbitration tribunal's decision on its own substantive jurisdiction should be absolutely final
- ☐ A decision of an arbitration tribunal should be final as to the facts, whilst the courts might review a point of law
- ☐ There should be some other approach
- ☐ Don't know

Submit

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9

In the last question, "When an arbitration tribunal rules on its own substantive jurisdiction then, unless that is done under a separate agreement that the tribunal should so rule, the court may (under s.67) effectively re-hear what the tribunal has already heard - both evidence and argument - and make its own decision on the question. Do you think that" You said "There should be some other approach". Please briefly set out your proposals in the box provided below (max 50 words).

Submit

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PROCEDURES - Do you think that there should be a statutory reminder that arbitrators should not copy court procedures, and that the courts should not seek to require arbitrators to follow them? (please select one only)

- ☐ Yes
 - ☐ No
 - ☐ Don't know
-

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ADMISSIBILITY OF EVIDENCE - Do you think that the Act should make it clear that all questions as to the admissibility of evidence (which may, for example, arise in relation to a question as to whether a valid contract or arbitration agreement has been entered into) should be for the arbitration tribunal alone to decide? (please select one only)

- ☐ Yes
- ☐ No
- ☐ Don't know

Submit

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COURTS' POWERS IN SUPPORT OF ARBITRATION - Do you think that the courts' powers in support of arbitration proceedings (s.44), perhaps in particular as to urgent injunctions other than for the preservation of evidence or assets: (s.44(2)), (please select one only)

- ☐ Are appropriate as they stand
- ☐ Need to be expanded
- ☐ Need to be restricted
- ☐ Don't Know

Submit

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In the last question, "Do you think that the courts' powers in support of arbitration proceedings (s.44), perhaps in particular as to urgent injunctions other than for the preservation of evidence or assets: (s.44(2))" - You responded that "They need to be expanded". Please briefly set out your proposals in the box provided below (max 50 words).

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In the last question, "Do you think that the courts' powers in support of arbitration proceedings (s.44), perhaps in particular as to urgent injunctions other than for the preservation of evidence or assets: s.44 (2)" - You responded that "They need to be restricted". Please briefly set out your proposals in the box provided below (max 50 words).

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CONSOLIDATION - Those who drafted the Act felt unable to find a satisfactory solution to the problems that would arise from statutory provisions for the consolidation of arbitrations, and so made none. Do you think this position should be changed? (please select one only)

- ☐ Yes
- ☐ No
- ☐ Don't know

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In the last question, "Those who drafted the Act felt unable to find a satisfactory solution to the problems that would arise from statutory provisions for the consolidation of arbitrations, and so made none. Do you think this position should be changed?", you responded "Yes". Please briefly set out your proposals in the box provided below (max 50 words).

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CONFIDENTIALITY - The Act says nothing about confidentiality in relation to arbitration proceedings, leaving the nature and extent of obligations in that regard to be worked out by the courts. Do you think that there should be a statutory regime as to confidentiality?

- ☐ Yes, with no exceptions
- ☐ Yes, but with exceptions
- ☐ No
- ☐ Don't Know

Submit

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In the last question, "The Act says nothing about confidentiality in relation to arbitration proceedings, leaving the nature and extent of obligations in that regard to be worked out by the courts. Do you think that there should be a statutory regime as to confidentiality?", you

responded "Yes, but with exceptions". Please set out your proposals for exceptions in the box below (max 50 words).

Submit

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APPEALS - Do you think that the possibility of appealing on a point of law (s.69) should be (please select one only)

- ☐ Abolished entirely
- ☐ Retained on the current basis
- ☐ Retained but on an amended basis
- ☐ Don't know

Submit

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In the last question, "Do you think that the possibility of appealing on a point of law (s.69) should be", you responded, "retained but on an amended basis". Please set out your proposals in the box provided below (max 50 words).

Submit

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If the possibility of appeals is retained, do you think that the tests for obtaining leave (permission) should be changed?

- ☐ Yes
- ☐ No
- ☐ Don't know

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In the last question "If the possibility of appeals is retained, do you think that the tests for obtaining leave (permission) should be changed?", you responded "Yes". Please set out your proposals in the box below (max 50 words).

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APPEALS AND PUBLICITY - Do you think that applications for leave to appeal and the courts' rulings on them should be (please select one

only)

- ☐ Entirely private and confidential
- ☐ Entirely public
- ☐ Private unless the parties otherwise agree or the judge otherwise directs
- ☐ Public unless the parties otherwise agree or the judge otherwise directs
- ☐ A different regime should apply to applications on the one hand and rulings on the other
- ☐ Don't know

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In the last question "Do you think that applications for leave to appeal and the courts' rulings on them should be", you responded "you think that a different regime should apply to applications on the one hand and rulings on the other". Please set out your proposals in the box below (max 50 words).

Submit

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Do you think that appeals themselves, and the judgments on them, should be

- ☐ Entirely private and confidential
- ☐ Entirely public
- ☐ Subject to some other regime
- ☐ Don't know

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In the last question, "Do you think that appeals themselves, and the judgments on them, should be", you responded "subject to some other regime" Please set out your proposals in the box below (max 50 words).

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SERIOUS IRREGULARITY - Do you think that the approach taken by the courts to the question of serious irregularity (s.68) (please select one only)

- ☐ Is about right
- ☐ Needs to be changed
- ☐ Don't know

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In the last question "Do you think that the approach taken by the courts to the question of serious irregularity (s.68)", you responded, "Needs to be changed". Please set out your proposals in the box below (max 50 words).

Submit

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AND FINALLY - Are there any other comments or suggestions you would like to make about the Arbitration Act 1996? Is it, for example, helping make arbitrations faster and more cost effective? If not, why not? Do you have any ideas for changes to or improvements in the Act? Or are there any comments you would like to make about arbitration in London in general? If so, please set these out in the box provided below.

Submit

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