



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART II

#### OTHER PROVISIONS RELATING TO ARBITRATION

##### *Appointment of judges as arbitrators*

#### **93 Appointment of judges as arbitrators.**

- (1) [<sup>F1</sup>An eligible High Court judge] or an official referee may, if in all the circumstances he thinks fit, accept appointment as a sole arbitrator or as umpire by or by virtue of an arbitration agreement.
- (2) [<sup>F2</sup>An eligible High Court judge] shall not do so unless the Lord Chief Justice has informed him that, having regard to the state of business in the High Court and the Crown Court, he can be made available.
- (3) An official referee shall not do so unless the Lord Chief Justice has informed him that, having regard to the state of official referees' business, he can be made available.
- (4) The fees payable for the services of [<sup>F3</sup>an eligible High Court judge] or official referee as arbitrator or umpire shall be taken in the High Court.
- [<sup>F4</sup>(4A) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.]
- (5) In this section—
  - “arbitration agreement” has the same meaning as in Part I; <sup>F5</sup>...
  - [<sup>F6</sup>“eligible High Court judge” means—
    - (a) a puisne judge of the High Court, or
    - (b) a person acting as a judge of the High Court under or by virtue of section 9(1) of the Senior Courts Act 1981;]

---

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Cross Heading: Appointment of judges as arbitrators. (See end of Document for details)*

---

“official referee” means a person nominated under section 68(1)(a) of the  
M1[F7 Senior Courts Act 1981]<sup>F7</sup> to deal with official referees’ business.

- (6) The provisions of Part I of this Act apply to arbitration before a person appointed under this section with the modifications specified in Schedule 2.

#### **Textual Amendments**

- F1** Words in s. 93(1) substituted (20.2.2019) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(6)(a)**, 4(2)
- F2** Words in s. 93(2) substituted (20.2.2019) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(6)(a)**, 4(2)
- F3** Words in s. 93(4) substituted (20.2.2019) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(6)(b)**, 4(2)
- F4** S. 93(4A) inserted (20.2.2019) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(6)(c)**, 4(2)
- F5** Word in s. 93(5) omitted (20.2.2019) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(6)(d)(i)**, 4(2)
- F6** Words in s. 93(5) inserted (20.2.2019) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(6)(d)(ii)**, 4(2)
- F7** Words in s. 93(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(d)**

#### **Marginal Citations**

- M1** 1981 c. 54.

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Cross Heading:  
Appointment of judges as arbitrators.