

**Reprint  
as at 30 January 2021**



## **Arbitration Act 1996**

Public Act	1996 No 99
Date of assent	2 September 1996
Commencement	see section 1(2)

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Justice.**

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## **An Act to reform the law relating to arbitration**

### **1 Short Title and commencement**

- (1) This Act may be cited as the Arbitration Act 1996.
- (2) This Act shall come into force on 1 July 1997.

## 2 Interpretation

(1) In this Act, unless the context otherwise requires,—

**arbitral tribunal**—

- (a) means a sole arbitrator, a panel of arbitrators, or an arbitral institution; and
- (b) includes any emergency arbitrator appointed under—
  - (i) the arbitration agreement that the parties have entered into; or
  - (ii) the arbitration rules of any institution or organisation that the parties have adopted

**arbitration** means any arbitration whether or not administered by a permanent arbitral institution

**arbitration agreement** means an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not

**award** means a decision of the arbitral tribunal on the substance of the dispute and includes any interim, interlocutory or partial award

**confidential information**, in relation to arbitral proceedings,—

- (a) means information that relates to the arbitral proceedings or to an award made in those proceedings; and
- (b) includes—
  - (i) the statement of claim, statement of defence, and all other pleadings, submissions, statements, or other information supplied to the arbitral tribunal by a party;
  - (ii) any evidence (whether documentary or otherwise) supplied to the arbitral tribunal;
  - (iii) any notes made by the arbitral tribunal of oral evidence or submissions given before the arbitral tribunal;
  - (iv) any transcript of oral evidence or submissions given before the arbitral tribunal;
  - (v) any rulings of the arbitral tribunal;
  - (vi) any award of the arbitral tribunal

**disclose**, in relation to confidential information, includes publishing or communicating or otherwise supplying the confidential information

**party** means a party to an arbitration agreement, or, in any case where an arbitration does not involve all of the parties to the arbitration agreement, means a party to the arbitration.

(2) *[Repealed]*

Section 2(1) **arbitral tribunal**: replaced, on 1 March 2017, by section 4 of the Arbitration Amendment Act 2016 (2016 No 53).

Section 2(1) **confidential information**: inserted, on 18 October 2007, by section 4(1) of the Arbitration Amendment Act 2007 (2007 No 94).

Section 2(1) **disclose**: inserted, on 18 October 2007, by section 4(1) of the Arbitration Amendment Act 2007 (2007 No 94).

Section 2(2): repealed, on 18 October 2007, by section 4(2) of the Arbitration Amendment Act 2007 (2007 No 94).

### **3 Further provision relating to interpretation**

The material to which an arbitral tribunal or a court may refer in interpreting this Act includes the documents relating to the Model Law referred to in section 5(b) and originating from the United Nations Commission on International Trade Law, or its working group for the preparation of the Model Law.

### **4 Act to bind the Crown**

This Act binds the Crown.

### **5 Purposes of Act**

The purposes of this Act are—

- (a) to encourage the use of arbitration as an agreed method of resolving commercial and other disputes; and
- (b) to promote international consistency of arbitral regimes based on the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law on 21 June 1985; and
- (c) to promote consistency between the international and domestic arbitral regimes in New Zealand; and
- (d) to redefine and clarify the limits of judicial review of the arbitral process and of arbitral awards; and
- (e) to facilitate the recognition and enforcement of arbitration agreements and arbitral awards; and
- (f) to give effect to the obligations of the Government of New Zealand under the Protocol on Arbitration Clauses (1923), the Convention on the Execution of Foreign Arbitral Awards (1927), and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (the English texts of which are set out in Schedule 3).

### **6A Minister of Justice to appoint body to resolve certain matters**

- (1) The Minister of Justice must, by notice in the *Gazette*, appoint a suitably qualified body to resolve the matters specified in article 11(3) to (6) of Schedule 1.
- (2) The Minister of Justice may, by notice in the *Gazette*, revoke any appointment made under subsection (1).

Section 6A: inserted, on 1 March 2017, by section 5 of the Arbitration Amendment Act 2016 (2016 No 53).

## **6 Rules applying to arbitrations in New Zealand**

- (1) If the place of arbitration is, or would be, in New Zealand,—
  - (a) the provisions of Schedule 1; and
  - (b) those provisions of Schedule 2 (if any), which apply to that arbitration under subsection (2),—apply in respect of the arbitration.
- (2) A provision of Schedule 2 applies—
  - (a) to an arbitration referred to in subsection (1) which—
    - (i) is an international arbitration as defined in article 1(3) of Schedule 1; or
    - (ii) is covered by the provisions of the Protocol on Arbitration Clauses (1923); or the Convention on the Execution of Foreign Arbitral Awards (1927), or both,—only if the parties so agree; and
  - (b) to every other arbitration referred to in subsection (1), unless the parties agree otherwise.

## **7 Arbitrations and awards outside New Zealand**

If the place of arbitration is not in New Zealand, articles 8, 9, 35, and 36 of Schedule 1, with any necessary modifications, apply in respect of the arbitration.

## **8 Provisions applying where place of arbitration not agreed or determined**

If it still has to be agreed or determined whether the place of arbitration will be in New Zealand, articles 8 and 9 of Schedule 1, with any necessary modifications, apply in respect of the arbitration.

## **9 Arbitration under other Acts**

- (1) Where a provision of this Act is inconsistent with a provision of any other enactment, that other enactment shall, to the extent of the inconsistency, prevail.
- (2) Subject to subsection (1), where a provision of this Act applies to an arbitration under any other enactment, the provisions of that other enactment shall be read as if it were an arbitration agreement.

## **10 Arbitrability of disputes**

- (1) Any dispute which the parties have agreed to submit to arbitration under an arbitration agreement may be determined by arbitration unless the arbitration