

Arbitration Amendment Bill

Member's Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Andrew Bayly

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Arbitration Amendment Act **2017**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act

This Act amends the Arbitration Act 1996 (the **principal Act**).

6 Schedule 1 amended

- (1) In Schedule 1, after article 16(3), insert: 10
- (4) To avoid doubt, it is declared that the failure to pursue a request made under paragraph (3) in a timely manner operates as a waiver of any right to later object to a ruling of the arbitral tribunal as to its jurisdiction.
- (3) In Schedule 1, replace article 34(2)(a)(iv) with:

- (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Act from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Act; or 5
- (5) In Schedule 1, replace article 36(1)(a)(iv) with:
- (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Act from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Act; or 10

7 Schedule 2 amended

- (1) In Schedule 2, clause 1(1), replace “to (5)” with “and (3)”.
- (2) In Schedule 2, repeal clause 1(4) and (5).

Legislative history

9 May 2017	Introduction (Bill 245–1)
10 May 2017	First reading and referral to Justice and Electoral Committee
8 November 2017	Reinstated and allocated to Justice Committee
1 October 2018	Reported from Justice Committee (Bill 245–2)
6 March 2019	Second reading
3 April 2019	Committee of the whole House (Bill 245–3)