

Insights

BCLP ARBITRATION SURVEY 2022: THE REFORM OF THE ARBITRATION ACT 1996

Nov 18, 2022

SUMMARY

On 30 November 2021, the UK's Law Commission announced it would conduct a review of the Arbitration Act 1996. The aim of this review is to maintain the attractiveness of England and Wales as a destination for dispute resolution.

London is a popular seat of arbitration. The Arbitration Act 1996 is widely respected as a clear, well-drafted and effective framework for the conduct of arbitration. That said, competition between the top seats is fierce and there's no room for complacency. For this reason, the reform of the Act is not just of interest to UK practitioners but also to international practitioners around the world. We do not usually choose a survey topic focused on a single jurisdiction, but this once-in-a-generation review and reform process has implications for users and practitioners around the world.

In this year's arbitration survey, BCLP canvassed views on the Act, potential areas of reform and shared the results with the Law Commission as part of its ongoing consultation process. We focused on current perceptions of the Act and of English seated arbitration, as well as how the Act could be improved. To do this, we asked respondents to rate English seated arbitration against other arbitration jurisdictions, their level of satisfaction with the Arbitration Act 1996 and to provide their views on the Law Commission's identified areas of reform, among others.

SURVEY RESPONDENTS LOOKED LIKE THIS:

- They work in Central and South America, North Africa, Western Europe, East and South East Asia, Australasia, the Middle East, and the Caribbean, Eastern Europe (including Russia and CIS), West and East Africa and North America.
- The majority (60%) were from a common law background and respondents were involved in disputes across a wide range of sectors, including construction and engineering, energy and natural resources, international trade and commodities, and maritime and shipping.

- In the last 10 years, 90% had been involved in an arbitration seated in England, Wales or Northern Ireland, with 45% involved in more than 10 cases and 88% involved in an arbitration seated in another jurisdiction.

KEY FINDINGS INCLUDED:

- 74% of respondents gave the Act a rating of seven or higher on a scale of one to 10.
- 83% of respondents favored either full codification of the duty of confidentiality or the embedding of a general principle of confidentiality in the Act.
- 77% of respondents thought that the Act should include an express provision of summary determination or disposal.
- 67% thought the right of appeal on a point of law should be retained.

[Download the full survey report here](#)

RELATED CAPABILITIES

- International Arbitration

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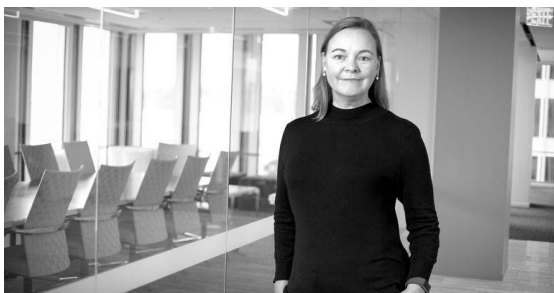


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