

From: [REDACTED]
Sent: Tuesday, June 11, 2024 6:20 AM
Subject: RE: EC2024/224 Arbitration Bill: Impact on business

Dear Craig

Further to my earlier email, please see below.

We have received two separate views from FSB members who are lawyers.

The first is from a member who has been involved in a number of arbitration hearings and jurisdiction challenges, and they also regularly advise business clients in relation to dispute resolution clauses in contracts which often direct arbitration as the preferred method of dispute resolution, in preference to expensive and lengthy court proceedings.

Having reviewed the recommendations in the briefing document, they believe the changes proposed to the current legislative framework set out in the Arbitration Act 1996 (the Act) will be welcomed by the business community in NI on the basis that the recommendations should provide greater clarity, simplicity and also address a number of anomalies in the current Act.

The second suggests that, in Northern Ireland, arbitration is not a very commonly used dispute resolution procedure; certainly not as much as in England and Wales. It appears to be used mostly in construction matters and infrastructure projects, although there is also some experience of it in insurance disputes as well.

As a preliminary view, they suggest there seems to be no good reason to depart from the approach in England and Wales, noting that they, and the courts, have the benefit of case law from there to determine issues such as enforcing arbitrators' awards and when considering preliminary and substantive decisions by way of arbitration.

I hope that is of some help but would note that both these two who were able to review and respond, along with others who were not able to do so, expressed concern at the shortage of time being made available to consider such a significant area.

Kind regards,

[REDACTED]

Head of FSB Northern Ireland

T [REDACTED]
E [REDACTED]
W [REDACTED]
X [REDACTED]



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Northern Ireland
Assembly

Committee for the Economy

[REDACTED]
Head of External Affairs
The Federation of Small Businesses Northern Ireland
[REDACTED]

Our Ref: EC2024:224

24 May 2024

Dear [REDACTED]

Arbitration Bill: Impact on business

At its meeting on 22 May 2024, the Committee for the Economy considered correspondence from the Committee for Justice on the Northern Ireland-related provisions in the Arbitration Bill.

The Committee noted that several clauses in the Bill relate to responsibilities under the Department for the Economy's remit which may have implications in Northern Ireland. The Committee therefore agreed to write to the Federation of Small Businesses in Northern Ireland seeking its views on the Arbitration Bill.

I have attached the relevant correspondence for your information.

A response on or before 10 June 2024 would be greatly appreciated.

If you require further information or clarification in respect of the above, please do not hesitate to contact me.

Yours sincerely,

Peter McCallion

Peter McCallion
Clerk to the Committee for the Economy