



New South Wales

Arbitration (Civil Actions) Regulation 1999

under the
Arbitration (Civil Actions) Act 1983

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Arbitration (Civil Actions) Act 1983*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General.

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the *Arbitration (Civil Actions) Regulation 1994*. The new Regulation deals with the following matters:

- (a) the procedure for nominating persons as arbitrators,
- (b) the monetary limit below which a court may not order the rehearing of certain actions that have been determined by arbitration,
- (c) the prescribed period for an application for an order for a rehearing of an action after a notice of discontinuance has been filed.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989* and comprises matters of a machinery nature.

This Regulation is made under the *Arbitration (Civil Actions) Act 1983*, including sections 5, 18A, 18D and 20 (the general regulation making power).

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Clause 1 Arbitration (Civil Actions) Regulation 1999

Arbitration (Civil Actions) Regulation 1999

1 Name of Regulation

This Regulation is the *Arbitration (Civil Actions) Regulation 1999*.

2 Commencement

This Regulation commences on 1 July 1999.

3 Definition

(1) In this Regulation:

the Act means the *Arbitration (Civil Actions) Act 1983*.

(2) The explanatory note does not form part of this Regulation.

4 Nomination of arbitrator

For the purposes of section 5 (5) of the Act:

- (a) a nomination of a barrister for appointment as an arbitrator is to be made by The New South Wales Bar Association, and
- (b) a nomination of a solicitor for appointment as an arbitrator is to be made by The Law Society of New South Wales, and
- (c) a nomination is to be made in writing:
 - (i) signed by the President, or by a Vice-president, of the nominating body, and
 - (ii) addressed to the person authorised to make the appointment.

5 Monetary limit below which an action referred to arbitration is not to be reheard

For the purposes of section 18A of the Act, the prescribed amount is the amount equal to the jurisdictional limit of the Small Claims Division of the Local Court (that is, the amount for the time being specified or referred to under section 12 (3) of the *Local Courts (Civil Claims) Act 1970*).

6 Prescribed period for application for order for rehearing after discontinuance of rehearing

For the purposes of section 18D (2) (a) of the Act, the prescribed period is:

- (a) 28 days, or
- (b) if the court, on application made to it within that period of 28 days, allows a longer period—thalonger period.

7 Repeal

- (1) The *Arbitration (Civil Actions) Regulation 1994* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Arbitration (Civil Actions) Regulation 1994*, had effect under that Regulation is taken to have effect under this Regulation.