



ANALYSIS

Title.
1. Short Title.

2. Power of Court to stay proceedings where there is a submission.

1952, No. 27

Title.

AN ACT to amend the Arbitration Act 1908.

[16 October 1952

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Arbitration Amendment Act 1952, and shall be read together with and deemed part of the Arbitration Act 1908 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. I, p. 346

Power of Court to stay proceedings where there is a submission.

2. The principal Act is hereby amended by repealing section five, and substituting the following section:—

“ 5. (1) If any party to a submission, or any person claiming through or under him, commences any legal proceedings in any Court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to those legal proceedings may, at any time before filing a statement of defence or a notice of intention to defend or taking any other step in the proceedings, apply to the Court in which the proceedings

were commenced to stay the proceedings; and that Court may, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, make an order staying the proceedings.

“(2) The refusal by any Magistrate’s Court of an application for a stay of proceedings under this section in any action under the Magistrates’ Courts Act 1947 shall not affect the right of the defendant in the action to have the action transferred to the Supreme Court under subsection one of section forty-three of that Act or, as the case may require, to apply under subsection two of that section for an order that the action be so transferred, and in any such case the time prescribed under that Act for giving notice under the said section forty-three shall not begin to run until the stay of proceedings is refused.”

1947, No. 16