



ANNO DUODECIMO

# GEORGII V REGIS.

A.D. 1921.

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## No. 1462.

An Act to amend the Arbitration Act, 1891.

[Assented to, October 5th, 1921.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Arbitration Act Amendment Act, 1921." Short titles.
- (2) The Arbitration Act, 1891, and this Act may be cited together as the "Arbitration Acts, 1891 and 1921." No. 510 of 1891.
2. This Act is incorporated with the Arbitration Act, 1891, and that Act and this Act shall be read together as one Act. Incorporation with Arbitration Act, 1891.
3. The Arbitration Act, 1891, is amended by inserting after section 5 thereof the following section:—  

5A (1) Where a submission provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties, then, unless the submission expresses a contrary intention—

  - (a) If one party fails to appoint an arbitrator for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and the award of the arbitrator so appointed shall be binding on both parties as if he had been appointed by consent:Power as to appointment of arbitrators where submission provides for three arbitrators.  
Cf. 10 and 11 Geo. 5, c. 81, s. 16.

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*Arbitration Act Amendment Act.—1921.*

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(b) If after each party has appointed an arbitrator the two arbitrators appointed fail to appoint a third arbitrator within seven clear days after the service by either party of a notice upon them to make the appointment, the Court or a Judge may, on an application by the party who gave the notice, exercise in the place of the two arbitrators the power of appointing the third arbitrator:

(c) If an arbitrator, appointed either by one of the parties, by the two arbitrators, or by the Court or a Judge, refuses to act, or is incapable of acting, or dies, a new arbitrator may be appointed in his place by the party, arbitrators, or Court or Judge, as the case may be.

(2) The Court or a Judge may set aside any appointment of a person to act as sole arbitrator made in pursuance of this section.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. E. G. A. WEIGALL, Governor.