

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
INTERNATIONAL
ARBITRATION BILL**

[B 10—2017]

*(As agreed to by the Portfolio Committee on Justice and Correctional Services
(National Assembly))*

[B 10A—2017]

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AMENDMENTS AGREED TO
INTERNATIONAL ARBITRATION BILL
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CLAUSE 1

1. On page 4, in line 5, to omit “Article” and to substitute “article”.

CLAUSE 5

1. On page 4, in line 46, after “any” to insert “international commercial”.

CLAUSE 9

1. On page 5, in line 33, after “arbitrator” to insert “or persons appointed by the arbitral tribunal”.

CLAUSE 17

1. On page 6, in line 46, to omit “and”, and to substitute “or”.

CLAUSE 18

1. On page 7, in line 15, to omit “agreement” and to substitute “party”.
2. On page 7, in line 23, to omit the comma.
3. On page 7, in line 23, after “by” to insert a comma.

CLAUSE 22

1. On page 8, from line 18, to omit “and comes into operation on a date fixed by President by proclamation in the *Gazette*”.

SCHEDULE 1

Article 12(1)

1. On page 14, in the second line, after “(1)”, to omit “A”, and to insert “When a”.
2. On page 14, in the second line, after “person”, to omit “who”.

Article 31(7)

1. On page 20, in the sixth line, after “the”, to insert “arbitral”.

SCHEDULE 2

Article 1(1)

1. On page 23, in the eighth line, after “that” to insert “the”.

Article 13(2)

1. On page 25, at the end of the twenty-seventh line, to insert the following as footnote 1:

“¹The parties may wish to consider including in the settlement agreement a clause that any dispute arising out of or relating to the settlement agreement shall be submitted to arbitration.”.

Article 14

1. On page 25, to delete the thirty second line up to and including the thirty fourth line.

SCHEDULE 3

Article II Paragraph 1

1. On page 28, in the twenty third line, to omit “of” and to substitute “or”.

Article V Paragraph 1(a)

1. On page 29, at the end of the tenth line, to insert “or”.

Article X Paragraph 3

1. On page 30, in the twenty third line, to omit “reason” and to substitute “reasons”.

SCHEDULE 4

1. That the following consequential amendment be added to Schedule 4:

Act No. and year	Short Title	Extent of repeal or amendment
Act No 1 of 1986	Carriage of Goods by Sea Act, 1986	The substitution for section 3 of the following section: “ 3. (1) Notwithstanding any purported ouster of jurisdiction, exclusive jurisdiction clause or agreement to refer any dispute to arbitration, and notwithstanding the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), [and of] section 7(1)(b) of the Admiralty Jurisdiction Regulation Act, 1983 (Act No. 105 of 1983) <u>and the International Arbitration Act,</u>

Act No. and year	Short Title	Extent of repeal or amendment
		<p>2017, any person carrying on business in the Republic and the consignee under, or holder of, any bill of lading, waybill or like document for the carriage of goods to a destination in the Republic or to any port in the Republic, whether for final discharge or for discharge or for discharge for further carriage, may bring any action relating to the carriage of the said goods or any such bill of lading, waybill or document in a competent court in the Republic.</p> <p>(2) The provisions of subsection (1) of this section shall not apply to arbitration proceedings to be held in the Republic which are subject to the provisions of the [Arbitration Act, 1965] <u>arbitration laws of the Republic.</u>”.</p>