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CANADA

The following is a brief summary of recent arbitration legislation in Canada.

I. FEDERAL LEGISLATION

For the first time the Parliament of Canada adopted laws on arbitration. One of them is an Act to Implement the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, c. 21 of the Statutes of Canada 1986, in force in Canada on August 10, 1986. Canada availed itself of the reciprocity reservation with respect to the province of Saskatchewan and of the "commercial" reservation except for the province of Quebec. The second is the Commercial Arbitration Act, c. 22 of the Statutes of Canada 1986. The latter enacts a "Commercial Arbitration Code" and declares in its Article 2 that it is based on the model law adopted by the United Nations Commission on International Trade Law on June 21, 1985. It applies only in relation to matters where at least one of the parties to the arbitration is a department or a Crown corporation or in relation to maritime or admiralty matters (Art. 5(2) of the Act). The Code applies to arbitral awards and arbitration agreements whether made before or after the coming into force of the Act (Art. 5(3) of the Act). Contrary to the U.N. Model Law it applies to arbitration generally and not only to international relations.

II. ALBERTA

Alberta adopted an International Commercial Arbitration Act Implementing the New York Convention and adopting the U.N. Model Law. It was assented to on August 15, 1986.

III. BRITISH COLUMBIA

The Legislative Assembly of British Columbia implemented the New York Convention by the Foreign Arbitral Awards Act passed on November 28, 1985. It enacted with certain adjustments the U.N. Model Law by the International Commercial Arbitration Act, assented to on June 17, 1986, c. 14 SBC 1986. Finally it re-

placed the Arbitration Act, R.S.B.C. 1979, c. 18, with the Commercial Arbitration Act, S.B.C. 1986, c. 3 in force on July 4, 1986.

IV. MANITOBA

The International Commercial Arbitration Act implementing the New York Convention and enacting the U.N. Model Law was proclaimed in force on November 15, 1986 (Chapter 51, containing consolidation of the Statutes of Manitoba).

V. NEW BRUNSWICK

On June 18, 1986 the International Commercial Arbitration Act was assented to. It implements the New York Convention and enacts the U.N. Model Law.

VI. NOVA SCOTIA

Nova Scotia adopted An Act to Implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and to Adopt the Model Law on International Commercial Arbitration, S.N.S. 1986, c. 12. Domestic arbitration continues to be governed by the Arbitration Act, R.S.N.S. 1967, c. 12 as amended.

VII. ONTARIO

Ontario adopted An Act to Implement the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, S.O. 1986, c. 25, assented to on July 7, 1986.

VIII. PRINCE EDWARD ISLAND

International Commercial Arbitration Act, S.P.E.I. 1986, c. 14, in effect on September 1, 1986, implements the New York Convention and enacts the U.N. Model Law.

IX. QUÉBEC

Amendments to the Civil Code and to the Code of Civil Procedure in matters of arbitration were entered into force on November 11, 1986. New articles 948 to 951.2 of the Code of Civil Procedure correspond to New York Convention but apply also to other

awards rendered in other provinces of Canada. The new law does not distinguish between international and domestic arbitration.

X. SASKATCHEWAN

An Act Respecting the Application in Saskatchewan of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, S.S. 1986 c. E-9.11, was assented to on May 14, 1986.

XI. NORTHWEST TERRITORIES

Northwest Territories enacted the International Commercial Arbitration Act implementing the New York Convention and adopting the U.N. Model Law, in force on August 10, 1986.

XII. YUKON TERRITORY

The Yukon Territory adopted An Act Implementing the New York Convention, i.e. Foreign Arbitral Awards Act, in force on August 10, 1986.

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