**INTERNATIONAL ARBITRATION BILL, 2017[BILL10-2017]: AMENDMENTS AS PROPOSED BY COMMENTATORS**

**Proposed insertions are underlined and proposed deletions are indicated by strike-thoughs**

**Clause 5: Act binds public bodies**

**5.** This Act, subject to the provisions of section 13 of the Protection of Investment Act, 2015 (Act No. 22 of 2015), binds public bodies and applies to any international commercial arbitration in terms of an arbitration agreement to which a public body is a party.

**Clause 9(4): Immunity of arbitrators and arbitral institutions**

(4) The provisions of this section also apply, with the changes required by the context, to—

*(a)* the employees of an arbitrator or persons appointed by the arbitral tribunal; or

*(b)* the officers and employees of an arbitral or other institution, authority or person referred to in subsection (2).

**Schedule 4: Laws repealed or amended**

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

**The substitution of section 3 of Act 1 of 1986**

The following section is hereby substituted for section 3 of the Carriage of Goods by Sea Act, 1986:

“**Jurisdiction of courts**

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) and the International Arbitration Act, 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.

(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]** arbitration laws of the Republic.”.