

## **SUMMARY**

Private arbitrations are exclusively regulated by *section 33(1)* of the *Arbitration Act No. 42 of 1965 (the Arbitration Act)*. The grounds on which private arbitration awards may be reviewed must be strictly interpreted according to that section. It follows that the grounds for setting aside private arbitration awards must be interpreted narrowly and in a manner which limits a court's power to set them aside.

Private arbitrations are consensual by nature in contrast to compulsory statutory arbitrations which amount to the exercise of public power and which must conform to the constitutional standard applicable to all administrative action of 'reasonableness'.

It was accordingly held that 'legality' and 'public policy' are not grounds of review under *Section 33(1) of the Arbitration Act*.