WHAT’S NEW IN 2018-2019?

Cases of interest:


RBRG Trading (UK) Ltd v Sinocore Int. Co. Ltd [2018] EWCA 838, enforcement of foreign arbitral award under NYC.
WHAT’S NEW IN 2018-2019?

Cases of interest:

Almazeedi v Penner and Anr (Cayman Islands) [2018] UKPC – arbitrator/judge disclosure obligations; apparent bias.

Halliburton v Chubb Bermuda Insurance Ltd [2018] EWCA Civ 817, multiple appointments; apparent bias.

RJ V HB [2018] EWHC 2833 (Comm) s68 setting aside award, no power to remove arbitrator under s68.

Jiangsu Shagang Group Co Ltd v Loki Owning Company Ltd [2018] 330 (Comm), s67 operates as a rehearing, not a review.
WHAT’S NEW IN 2018-2019?

Cases of interest, s67 applications:

Exportadora de Sal SA de CV v Corretaje Maritimo Sud-America no Inc. [2018] EWHC 224 (Comm), late challenge rejected under s.73(1)

Dreymoor Fertilisers Overseas PTE Ltd v Eurochem Trading GmbH [2018] EWHC 909 (Comm), Butcher J arbitration clause applied to bribery allegations.

Uttam Galva Steels Ltd v Gunvor Singapore PTE Ltd [2018] EWHC 1098 (Comm), bills of exchange covered by master agreement including arbitration clause.
WHAT’S NEW IN 2018-2019?

Cases of interest:

**Orascom TMT Investments SARL v Veon Ltd [2018] EWHC 985 (Comm)** – s68 challenge to award dismissed. Reminder that “substantial injustice” required.

**Reliance Industries Ltd and another v Union of India [2018] EWHC 822 (Comm),** challenges under ss67, 68 [linked to duty under s33] and 69 substantially dismissed.
WHAT IS NEW IN 2018-2019?

The Prague Rules (signed December 2018):

- Rules on the Efficient Conduct of Proceedings in International Arbitration. (Supplementary to Institutional rules.)
- Encourages Tribunal activism/management.
- Emphasis on inquisitorial processes, a more “streamlined” procedure.
- In the event, many similarities to IBA rules on evidence.
WHAT IS NEW IN 2018-2019?

International Institutional Developments, examples:

➢ Transparency issues: Stockholm Chamber of Commerce (SCC) began providing reasons for its decisions on challenges to arbitrators as of 1 January 2018

➢ New HKIAC Administered Arbitration Rules 2018 [1 Nov. 2018] providing that a funded party must give written notice of the funding and the identity of the funder to all parties, the tribunal, HKIAC and the emergency arbitrator (if applicable).
WHAT IS NEW IN 2018-2019?

International Institutional Developments:

- KLRCA, renamed as AIAC from February 2018.
- Published new arbitration rules in 2018. Key features include provisions for the joinder of third parties and for consolidation; the technical review of awards before they are issued; and a self-contained code in relation to emergency arbitrators.
- New Fast Track Rules, 180 day arbitration.
- Ongoing programme of SFCs for use in SE Asia.
CONCLUSIONS:

1. Continuing uncertainty surrounding conflicts and disclosure obligations for Arbitrators.

2. Time limits for challenges to substantive jurisdiction and awards more strictly applied.

3. Courts continuing to support Arbitration and Arbitrators – very few successful challenges under ss 67, 68 or 69 of the Arbitration Act.

THANK YOU
FOR LISTENING

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