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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 62**

**ARBITRATION CLAIMS**

***[<sup>F1</sup>1 CLAIMS UNDER THE 1996 ACT***

**Textual Amendments**

- F1** Pt. 62 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rule 1(c), [Sch. 6](#)

**Interpretation**

**62.2.**—(1) In this Section of this Part “arbitration claim” means—

- (a) any application to the court under the 1996 Act;
- (b) a claim to determine—
  - (i) whether there is a valid arbitration agreement;
  - (ii) whether an arbitration tribunal is properly constituted; orwhat matters have been submitted to arbitration in accordance with an arbitration agreement;
- (c) a claim to declare that an award by an arbitral tribunal is not binding on a party; and
- (d) any other application affecting—
  - (i) arbitration proceedings (whether started or not); or
  - (ii) an arbitration agreement.

(2) This Section of this Part does not apply to an arbitration claim to which Sections II or III of this Part apply.

**Starting the claim**

**62.3.**—(1) Except where paragraph (2) applies an arbitration claim must be started by the issue of an arbitration claim form in accordance with the Part 8 procedure.

(2) An application under section 9 of the 1996 Act to stay legal proceedings must be made by application notice to the court dealing with those proceedings.

(3) The courts in which an arbitration claim may be started are set out in the practice direction.

(4) Rule [<sup>F2</sup>30.5] applies with the modification that a judge of the Technology and Construction Court may transfer the claim to any other court or specialist list.

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*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: 1 CLAIMS UNDER THE 1996 ACT. (See end of Document for details)*

### Textual Amendments

**F2** Word in [rule 62.3\(4\)](#) substituted (6.4.2006) by [The Civil Procedure \(Amendment No.4\) Rules 2005 \(S.I. 2005/3515\)](#), [rules 1, 17](#)

### Arbitration claim form

- 62.4.**—(1) An arbitration claim form must—
- (a) include a concise statement of—
    - (i) the remedy claimed; and
    - (ii) any questions on which the claimant seeks the decision of the court;
  - (b) give details of any arbitration award challenged by the claimant, identifying which part or parts of the award are challenged and specifying the grounds for the challenge;
  - (c) show that any statutory requirements have been met;
  - (d) specify under which section of the 1996 Act the claim is made;
  - (e) identify against which (if any) defendants a costs order is sought; and
  - (f) specify either—
    - (i) the persons on whom the arbitration claim form is to be served, stating their role in the arbitration and whether they are defendants; or
    - (ii) that the claim is made without notice under section 44(3) of the 1996 Act and the grounds relied on.
- (2) Unless the court orders otherwise an arbitration claim form must be served on the defendant within 1 month from the date of issue and rules 7.5 and 7.6 are modified accordingly.
- (3) Where the claimant applies for an order under section 12 of the 1996 Act (extension of time for beginning arbitral proceedings or other dispute resolution procedures), he may include in his arbitration claim form an alternative application for a declaration that such an order is not needed.

### Service out of the jurisdiction

**62.5.**—(1) The court may give permission to serve an arbitration claim form out of the jurisdiction if—

- (a) the claimant seeks to—
  - (i) challenge; or
  - (ii) appeal on a question of law arising out of, an arbitration award made within the jurisdiction;

(The place where an award is treated as made is determined by section 53 of the 1996 Act.)

- (b) the claim is for an order under section 44 of the 1996 Act; or
- (c) the claimant—
  - (i) seeks some other remedy or requires a question to be decided by the court affecting an arbitration (whether started or not), an arbitration agreement or an arbitration award; and
  - (ii) the seat of the arbitration is or will be within the jurisdiction or the conditions in section 2(4) of the 1996 Act are satisfied.

- (2) An application for permission under paragraph (1) must be supported by written evidence—
  - (a) stating the grounds on which the application is made; and
  - (b) showing in what place or country the person to be served is, or probably may be found.
- (3) Rules 6.24 to 6.29 apply to the service of an arbitration claim form under paragraph (1).
- (4) An order giving permission to serve an arbitration claim form out of the jurisdiction must specify the period within which the defendant may file an acknowledgment of service.

### **Notice**

**62.6.**—(1) Where an arbitration claim is made under section 24, 28 or 56 of the 1996 Act, each arbitrator must be a defendant.

(2) Where notice must be given to an arbitrator or any other person it may be given by sending him a copy of—

- (a) the arbitration claim form; and
- (b) any written evidence in support.

(3) Where the 1996 Act requires an application to the court to be made on notice to any other party to the arbitration, that notice must be given by making that party a defendant.

### **Case management**

**62.7.**—(1) Part 26 and any other rule that requires a party to file an allocation questionnaire does not apply.

(2) Arbitration claims are allocated to the multi-track.

(3) Part 29 does not apply.

(4) The automatic directions set out in the practice direction apply unless the court orders otherwise.

### **Stay of legal proceedings**

**62.8.**—(1) An application notice seeking a stay of legal proceedings under section 9 of the 1996 Act must be served on all parties to those proceedings who have given an address for service.

(2) A copy of an application notice under paragraph (1) must be served on any other party to the legal proceedings (whether or not he is within the jurisdiction) who has not given an address for service, at—

- (a) his last known address; or
- (b) a place where it is likely to come to his attention.

(3) Where a question arises as to whether—

- (a) an arbitration agreement has been concluded; or
- (b) the dispute which is the subject-matter of the proceedings falls within the terms of such an agreement,

the court may decide that question or give directions to enable it to be decided and may order the proceedings to be stayed pending its decision.

### **Variation of time**

**62.9.**—(1) The court may vary the period of 28 days fixed by section 70(3) of the 1996 Act for—

- (a) challenging the award under section 67 or 68 of the Act; and

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- (b) appealing against an award under section 69 of the Act.
- (2) An application for an order under paragraph (1) may be made without notice being served on any other party before the period of 28 days expires.
- (3) After the period of 28 days has expired—
  - (a) an application for an order extending time under paragraph (1) must—
    - (i) be made in the arbitration claim form; and
    - (ii) state the grounds on which the application is made;
  - (b) any defendant may file written evidence opposing the extension of time within 7 days after service of the arbitration claim form; and
  - (c) if the court extends the period of 28 days, each defendant’s time for acknowledging service and serving evidence shall start to run as if the arbitration claim form had been served on the date when the court’s order is served on that defendant.

### Hearings

- 62.10.**—(1) The court may order that an arbitration claim be heard either in public or in private.
- (2) Rule 39.2 does not apply.
  - (3) Subject to any order made under paragraph (1)—
    - (a) the determination of—
      - (i) a preliminary point of law under section 45 of the 1996 Act; or
      - (ii) an appeal under section 69 of the 1996 Act on a question of law arising out of an award,will be heard in public; and
    - (b) all other arbitration claims will be heard in private.
  - (4) Paragraph (3)(a) does not apply to—
    - (a) the preliminary question of whether the court is satisfied of the matters set out in section 45(2)(b); or
    - (b) an application for permission to appeal under section 69(2)(b).]

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