

SCHEDULE 6

III ENFORCEMENT

Registration of awards under the Arbitration (International Investment Disputes) Act 1966

62.21.—(1) In this rule—

- (a) “the 1966 Act” means the Arbitration (International Investment Disputes) Act 1966(1);
- (b) “award” means an award under the Convention;
- (c) “the Convention” means the Convention on the settlement of investment disputes between States and nationals of other States which was opened for signature in Washington on 18th March 1965(2);
- (d) “judgment creditor” means the person seeking recognition or enforcement of an award; and
- (e) “judgment debtor” means the other party to the award.

(2) Subject to the provisions of this rule, the following provisions of RSC Order 71 apply with such modifications as may be necessary in relation to an award as they apply in relation to a judgment to which Part II of the Foreign Judgments (Reciprocal Enforcement) Act 1933 applies—

- (a) rule 1;
- (b) rule 3(1) (except sub-paragraphs (c)(iv) and (d));
- (c) rule 7 (except paragraph (3)(c) and (d)); and
- (d) rule 10(3).

(3) An application to have an award registered in the High Court under section 1 of the 1966 Act(3) must be made in accordance with the Part 8 procedure.

(4) The written evidence required by RSC Order 71, rule 3 in support of an application for registration must—

- (a) exhibit the award certified under the Convention instead of the judgment (or a copy of it); and
- (b) in addition to stating the matters referred to in rule 3(1)(c)(i) and (ii), state whether—
 - (i) at the date of the application the enforcement of the award has been stayed (provisionally or otherwise) under the Convention; and
 - (ii) any, and if so what, application has been made under the Convention, which, if granted, might result in a stay of the enforcement of the award.

(5) Where, on granting permission to register an award or an application made by the judgment debtor after an award has been registered, the court considers—

- (a) that the enforcement of the award has been stayed (whether provisionally or otherwise) under the Convention; or
- (b) that an application has been made under the Convention which, if granted, might result in a stay of the enforcement of the award,

the court may stay the enforcement of the award for such time as it considers appropriate.

(1) 1966 c. 41.

(2) The text of the Convention is set out in the Schedule to the Arbitration (International Investment Disputes) Act 1966 (c. 41).

(3) 1966 c. 41; section 1 was amended by the Administration of Justice Act 1977 (c. 38), sections 4 and 32(4) and Schedule 5, Part I and by the Supreme Court Act 1981 (c. 54), section 152(1) and Schedule 5.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*