

Recourse Against Arbitral Award (w.e.f. 1 Nov 2018)

A party may appeal to the court against an arbitral award on question of law under Rule 3.12.1 of the FDRS Mediation and Arbitration Rules, which is an opt-in provision under Schedule 2 of the Arbitration Ordinance (Cap. 609). To promote clarity and avoid misunderstanding, Rule 3.12.1 of the FDRS Mediation and Arbitration Rules (an Annex of the ToR) is to be amended under Paragraph 3.3 of Section A of the ToR as follows in which reference to Section 4 of Schedule 2 of the Arbitration Ordinance (Cap. 609) is to be deleted as it does not relate to point of law but to serious irregularities:

Revised Rule 3.12.1:

“Sections 3, 5, 6 and 7 of Schedule 2 of the Arbitration Ordinance (Cap. 609) providing for appeal against Arbitral Award on question of law shall apply.”

The following guideline shall also be issued to supplement Rule 3.12.1:

Guideline No. 2: Recourse Against Arbitral Award (w.e.f. 1 Nov 2018)

“Sections 3, 5, 6 and 7 of Schedule 2 of the Arbitration Ordinance (Cap. 609) providing for appeal against Arbitral Award on question of law shall apply. For avoidance of doubt, a party may seek legal or professional advice for recourse against the arbitral award, if any, under the provisions of the Arbitration Ordinance (Cap. 609).”

Procedures of Removal (Challenging and Replacing) of an Arbitrator in the FDRS Arbitration are illustrated as below as attachment to Guidelines No.1 and No.2

