

100 DAY ARBITRATION PROCEDURE

- 1 Where the parties and the appointed arbitrator agree to adopt this procedure, the arbitrator shall have an overriding duty to make his Award deciding all matters submitted (excluding liability for costs) within 100 days from either;
 - (a) the date on which the statement of defence (or defence to counterclaim if there is one) is delivered to him or to the other party (whichever is later); or
 - (b) if the statement of defence (and defence to counterclaim) has already been delivered, from the date on which the arbitrator gives his directions.

- 2 Reference to days are calendar days. Any period set by this procedure that would end on a Saturday and Sunday or any Bank Holiday will be deemed to end on the following working day.

- 3 The arbitrator shall, as soon as he is appointed or on the adoption of this procedure if later, contact the parties' representatives by the most rapid and practical means (such as email or fax) to give them the opportunity to comment on the periods and dates to be ordered for the procedural steps in Rule 4.

- 4 Within 7 days of his appointment or the adoption of this procedure if later, the arbitrator shall establish and order a procedural timetable to include a period of no longer than 100 days to run from the service of the statement of defence (or defence to counterclaim, if there is one) or from the date that the arbitrator gives his directions (whichever is later) that shall provide for:
 - (1) Service of any outstanding pleadings (including replies if considered necessary) and statements of witnesses and experts' reports, if not already served with the pleadings, within 7 days;
 - (2) Service of any documents, replies to statements of witnesses and experts' reports and service of any requests for disclosure of specific documents by the other party, within 14 days thereafter;
 - (3) Subject to any ruling by the arbitrator on any issue as to disclosure of documents, service of copies of documents so requested within 7 days of the request;
 - (4) No further documents to be served by either party unless requested by the arbitrator.
 - (5) A date for an oral hearing not exceeding 10 working days (14 calendar days), to commence not more than 28 days after conclusion of the foregoing steps;

- (6) Final written submissions (if ordered by the arbitrator) to be served simultaneously within 7 days from the end of the hearing.
- (7) The arbitrator to make his award, including costs, within 30 days of the end of the oral hearing;

The arbitrator may, if so agreed by the parties, direct shorter periods for any of the foregoing steps and the period of 100 days shall be reduced accordingly.

- 5 For the purpose of achieving the foregoing maximum time periods, the parties agree to cooperate and to take every opportunity to save time where possible.
- 6 The arbitrator, for the purpose of achieving the foregoing time limits, may do any of the following:
 - (1) order any submission or other material to be delivered in writing;
 - (2) take the initiative in ascertaining the facts and the law.
 - (3) direct the manner in which the time at the hearing is to be used;
 - (4) limit or specify the number of witnesses and/or experts to be heard orally;
 - (5) order questions to witnesses or experts to be put and answered in writing;
 - (6) conduct the questioning of witnesses himself.;
 - (7) require two or more witnesses to give their evidence together;
- 7 The parties may agree to extend the period of 100 days. The arbitrator has no such power save that the provisions in Section 50 of the Arbitration Act 1996 (Extension of time for making award) are available to the tribunal or any party to the proceedings.
- 8 Not later than 18 days before the Award is due, the arbitrator shall send to the parties his reasonable estimate of the total fees and expenses incurred and likely to be incurred up to the making of the Award (including VAT if applicable). Provided the parties have paid this sum to a stakeholder acceptable to the arbitrator with the monies held to the arbitrator's account (or to the arbitrator himself) the arbitrator shall have no lien over the Award.
- 9 Unless otherwise agreed the parties shall make simultaneous submissions on costs to the arbitrator within 14 days of the date that the Award is published and the arbitrator shall make his award on costs within 14 days thereafter.