

How to - resolve disputes using Arbitration



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Chamber International 'How to Guide'



Litigation in relation to contract disputes can be costly and time consuming.

Many businesses find that embarking on litigation for disputes which are largely of a technical nature is particularly problematical.

This 'How to Guide' is designed to help you understand how the arbitration service works, and how you can incorporate it into your business documentation.

Arbitration Services

- Arbitration includes rules by which arbitration is conducted
- You can incorporate arbitration in your business documentation
- Arbitrators are appointed by the arbitration body suitable to your dispute
- Arbitration is usually less costly than litigation
- Arbitration is usually speedier than litigation
- Providing you incorporate an arbitration clause in your business documentation, you can compel your customer or supplier to use arbitration rather than going to court
- Arbitration awards are legally binding

How do I use Arbitration?

- Arbitration can be used as an alternative to litigation at any time if both parties agree and sign an arbitration agreement
- Arbitration agreements are available from arbitration bodies
- If you want to compel your customers and suppliers to use arbitration rather than litigation you need to include an arbitration clause in your terms and conditions of trading
- Simple arbitration clauses are available from arbitration bodies
- It is important that the arbitration clause is properly incorporated into your business documentation
- If you do not have terms and conditions of trading, your solicitors can advise on incorporating proper terms and conditions into your contracts and help with the drafting. The fees for arranging this are easily saved in avoiding costly disputes later on
- There is a fee for using arbitration services
- You do not necessarily need to use solicitors if you are using arbitration, although it is important that your statement of claim and any defences and other documents are clearly expressed
- Arbitrators are usually experienced in your own industry and therefore arbitration is particularly suitable for technical and quality disputes
- One or two arbitrators are usually appointed to deal with the arbitration. Once appointed, the arbitrators will invite the parties to provide submissions
- Some arbitrations are dealt with on paper only, but it is possible for the parties to attend and meet with the arbitrators to argue their case
- Legal costs are not normally awarded in arbitrations, hence whether you win or lose in normal circumstances you will only pay your own costs