Dispute Resolution on i-law.com

Content update: March 2023

Highlights:
- Arbitration Law Monthly product update
- Hong Kong case review of 2022
- Arbitration Law looseleaf product focus
Dispute Resolution on i-law.com

Written by experts in arbitration and mediation law, Dispute Resolution on i-law.com contains a large collection of news, commentary and English and international law case reports.

Dispute Resolution on i-law.com features our industry-leading titles, Arbitration Law Monthly and Arbitration Law looseleaf. It also includes fully searchable access to key texts including Civil Jurisdiction and Judgments and Merkin and Flannery on the Arbitration Act 1996.

Arbitration Law looseleaf – product highlight

Stay on top of all the latest developments in both commercial and consumer arbitration cases and arbitral processes and discover their implications in the UK and abroad.

Written by commercial law expert Professor Robert Merkin KC, and updated three times per year, Arbitration Law is available in hardcopy and online via i-law.com.

Arbitration Law provides you with:

► Regular updates, so unlike an ordinary textbook, the content of Arbitration Law changes in line with the law, ensuring the information is always up to date.
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► Analysis of all the important international Conventions (UNCITRAL Model Law, New York Convention) and EU measures (Brussels I Regulation, Brussels Regulation Recast, Lugano and Rome Conventions)

About the author

Professor Robert Merkin KC (General Editor of Arbitration Law and Arbitration Law Monthly, Co-Author of Arbitration Act 1996 and Singapore Arbitration Legislation Annotated)

Professor Robert Merkin KC is Lloyd’s Professor of Commercial Law at the University of Exeter and is also Special Counsel for Duncan Cotterill in New Zealand. He is past president of the British Insurance Law Association, vice-president of the International Association of Insurance Law (AIDA) and was a consultant to the English and Scottish Law Commissions for their project on the reform of insurance law. Rob gives regular seminars for companies, brokers, regulators and law firms in the UK and internationally. He is the author of a number of texts and his works have been cited in many cases internationally.

Service Issue 93

The current update to Arbitration Law is now available on i-law.com. Service Issue 93 includes analysis of the most important recent court judgments and industry developments. It also reflects on changes suggested by the Law Commission’s Consultation Paper 257, concerning proposals to reform the English Arbitration Act 1996.

The next Service Issue, SI 94, will be published in July 2023.

Recent important cases discussed in the latest update include:

► CVG v CVH [2022] SGHC 249; [2023] 1 Lloyd’s Rep 130
► EGF v HVF [2022] EWHC 2470 (Comm); [2023] 1 Lloyd’s Rep 139
► National Investment Bank Ltd v Eland International (Thailand) Co Ltd [2022] EWHC 1168 (Comm); [2023] 1 Lloyd’s Rep 174
► Royal & Sun Alliance Insurance Ltd v Tughans [2022] EWHC 2589 (Comm); [2023] 1 Lloyd’s Rep 90
► Soleymani v Nifty Gateway LLC [2022] EWCA Civ 1297; [2022] 2 Lloyd’s Rep 570

Access Arbitration Law on i-law.com
**Product focus: Arbitration Law Monthly**

*In each content update we focus on new articles available in our case law resource, Arbitration Law Monthly.*

**Extension of time: the court’s discretion**

Henshaw J in a lengthy and comprehensive judgment in *Hays v Bloomfield Investments LLC* [2022] EWHC 1648 (Comm) has considered the circumstances in which a failure to bring an appeal against an arbitration award within the 28 days permitted by section 70(3) of the Arbitration Act 1996 should be excused by the grant of an extension of time under section 80(5).

www.i-law.com/ilaw/doc/view.htm?id=433361

**Scope of arbitration clause: replacement contract**

In *Briggs Marine Contractors Ltd v Bakkafrost Scotland Ltd* [2023] ScotCS CSOH 6, a decision of Lord Braid in the Outer House of the Court of Session, the question was whether an arbitration clause in a written contract continued to apply to a dispute under an alleged replacement replacement contract so as to justify a stay of proceedings brought on the replacement contract. Although the case was heard in Scotland, the relevant contracts were governed by English law.

www.i-law.com/ilaw/doc/view.htm?id=433362

**Scope of arbitration clause: liability and quantum disputes**

In *DC Bars Ltd and Another v QIC Europe Ltd* [2023] EWHC 245 (Comm) Sir Nigel Teare has held, in effect, that quantum disputes are concerned purely with calculation of sums owing on the basis that there is liability. This ensures that substantive issues are resolved in public, and only the maths is behind closed doors.

www.i-law.com/ilaw/doc/view.htm?id=433363

**Enforcement of peremptory orders: effect of jurisdictional challenge**

*S3D Interactive Inc v Oovee Ltd* [2022] EWCA Civ 1665 was an appeal from the decision of Butcher J in *RQP v ZYX* [2022] EWHC 2949 (Comm), previously discussed in Arbitration Law Monthly, raising the question whether an outstanding challenge to the jurisdiction of an arbitral tribunal precludes the enforcement by the court, under section 42 of the Arbitration Act 1996 of a peremptory order made by the tribunal.

www.i-law.com/ilaw/doc/view.htm?id=433283

**Serious irregularity: apparent bias and interim payments**

The decision of Andrew Baker J in *EGF v HVF and Others* [2022] EWHC 2470 (Comm) discussed two distinct allegations of breach of duty by the tribunal: its handling of evidence of fraud, giving rise to an allegation of potential bias; and its decision to make an interim payments order in the form of an award.

www.i-law.com/ilaw/doc/view.htm?id=433364

**Arbitration Law Monthly** is a specially designed information service that offers critical and essential analysis of global court arbitration decisions. Access it on i-law.com and at www.arbitrationlawmonthly.com

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**2022 review of Hong Kong SAR arbitration case law**

*Now published in Arbitration Law Monthly.*

This special feature explores selected arbitration-related court decision highlights and legislative initiatives in 2022, which will likely have significant ramifications for the arbitration community.

“The law is constantly evolving. As legal practitioners, we are dedicated towards providing first-class legal services whilst keeping abreast of recent changes to case decisions and legislative initiatives. These lines of decisions, notwithstanding the varying principles at play, are conducive towards strengthening Hong Kong as an unparalleled arbitration seat in the world.”

Written by Edward Liu, Maggie Lee, Manly Lam and Bridget Yim, Haiwen & Partners LLP.

www.i-law.com/ilaw/doc/view.htm?id=432854

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**February 2001**

*First issue of Arbitration Law Monthly published*

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**18,563**

*Number of cases published in Lloyd’s Law Reports*

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Professor Robert Merkin KC and Louis Flannery KC

This book is an essential resource for anybody involved in arbitration. It is an updated section-by-section commentary on the Arbitration Act 1996, split into a separate set of notes for each section, and subdivided into the relevant issues within that section. It contains elements of international comparative law, citing authorities from many other common law and civil law jurisdictions.

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Civil Jurisdiction and Judgments, 7th Edition

Professor Adrian Briggs KC

Now in its 7th edition, this book remains an established treatise in the field of civil jurisdiction and judgments. It aims to make a full and complete statement of English law on civil jurisdiction and the effect of foreign judgments against the backdrop of significant uncertainty about the consequence of Brexit on the law of civil jurisdiction and judgments.

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Rules of Evidence in International Arbitration

Nathan O’Malley

Now in a fully updated second edition, Rules of Evidence in International Arbitration: An Annotated Guide remains an invaluable reference for lawyers, arbitrators and in-house counsel involved in cross-border dispute resolution. Drawing on current case law, this book looks at the common issues brought up by the evidentiary procedure in international arbitration.

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International Investment Dispute Awards: Facilitating Enforcement

Esra Yildiz Üstün

This book examines how international investment arbitral awards can be facilitated. It sets out to achieve a fuller conceptualisation and theorisation of awards through a discussion of relevant issues and themes, as well as demonstrating how they can be achieved through a comparative approach that has been conceived and developed with reference to existing deficiencies in the research literature.

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