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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 62**

**ARBITRATION CLAIMS**

**[<sup>F1</sup>III ENFORCEMENT**

**Textual Amendments**

- F1** Pt. 62 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rule 1(c), [Sch. 6](#)

**Scope of this Section**

**62.17** This Section of this Part applies to all arbitration enforcement proceedings other than by a claim on the award.

**Enforcement of awards**

**62.18.**—(1) An application for permission under—

- (a) section 66 of the 1996 Act;
- (b) section 101 of the 1996 Act;
- (c) section 26 of the 1950 Act; or
- (d) section 3(1)(a) of the 1975 Act,

to enforce an award in the same manner as a judgment or order may be made without notice in an arbitration claim form.

(2) The court may specify parties to the arbitration on whom the arbitration claim form must be served.

(3) The parties on whom the arbitration claim form is served must acknowledge service and the enforcement proceedings will continue as if they were an arbitration claim under Section I of this Part.

(4) With the permission of the court the arbitration claim form may be served out of the jurisdiction irrespective of where the award is, or is treated as, made.

(5) Where the applicant applies to enforce an agreed award within the meaning of section 51(2) of the 1996 Act—

- (a) the arbitration claim form must state that the award is an agreed award; and
- (b) any order made by the court must also contain such a statement.

(6) An application for permission must be supported by written evidence—

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- (a) exhibiting—
  - (i) where the application is made under section 66 of the 1996 Act or under section 26 of the 1950 Act, the arbitration agreement and the original award (or copies);
  - (ii) where the application is under section 101 of the 1996 Act, the documents required to be produced by section 102 of that Act; or
  - (iii) where the application is under section 3(1)(a) of the 1975 Act, the documents required to be produced by section 4 of that Act;
- (b) stating the name and the usual or last known place of residence or business of the claimant and of the person against whom it is sought to enforce the award; and
- (c) stating either—
  - (i) that the award has not been complied with; or
  - (ii) the extent to which it has not been complied with at the date of the application.
- (7) An order giving permission must—
  - (a) be drawn up by the claimant; and
  - (b) be served on the defendant by—
    - (i) delivering a copy to him personally; or
    - (ii) sending a copy to him at his usual or last known place of residence or business.
- (8) An order giving permission may be served out of the jurisdiction—
  - (a) without permission; and
  - (b) in accordance with rules 6.24 to 6.29 as if the order were an arbitration claim form.
- (9) Within 14 days after service of the order or, if the order is to be served out of the jurisdiction, within such other period as the court may set—
  - (a) the defendant may apply to set aside the order; and
  - (b) the award must not be enforced until after—
    - (i) the end of that period; or
    - (ii) any application made by the defendant within that period has been finally disposed of.
- (10) The order must contain a statement of—
  - (a) the right to make an application to set the order aside; and
  - (b) the restrictions on enforcement under rule 62.18(9)(b).
- (11) Where a body corporate is a party any reference in this rule to place of residence or business shall have effect as if the reference were to the registered or principal address of the body corporate.

### **Interest on awards**

**62.19.**—(1) Where an applicant seeks to enforce an award of interest the whole or any part of which relates to a period after the date of the award, he must file a statement giving the following particulars—

- (a) whether simple or compound interest was awarded;
- (b) the date from which interest was awarded;
- (c) where rests were provided for, specifying them;
- (d) the rate of interest awarded; and
- (e) a calculation showing—

- (i) the total amount claimed up to the date of the statement; and
  - (ii) any sum which will become due on a daily basis.
- (2) A statement under paragraph (1) must be filed whenever the amount of interest has to be quantified for the purpose of—
- (a) obtaining a judgment or order under section 66 of the 1996 Act (enforcement of the award); or
  - (b) enforcing such a judgment or order.

### Registration in High Court of foreign awards

**62.20.**—(1) Where—

- (a) an award is made in proceedings on an arbitration in any part of a United Kingdom Overseas Territory (within the meaning of rule 6.18(f)) or other territory to which Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 (“the 1933 Act”) extends;
- (b) Part II of the Administration of Justice Act 1920 extended to that part immediately before Part I of the 1933 Act was extended to that part; and
- (c) an award has, under the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place,

[<sup>F2</sup>rules 74.1 to 74.7 and 74.9 apply in relation to the award as they apply] in relation to a judgment given by the court subject to the modifications in paragraph (2).

(2) The modifications referred to in paragraph (1) are as follows—

- (a) for references to the [<sup>F3</sup>State of origin] are substituted references to the place where the award was made; and
- (b) the written evidence required by [<sup>F4</sup>rule 74.4] must state (in addition to the matters required by that rule) that to the best of the information or belief of the maker of the statement the award has, under the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place.

#### Textual Amendments

- F2** Words in rule 62.20(1) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **24(a)**
- F3** Words in rule 62.20(2)(a) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **24(b)**
- F4** Words in rule 62.20(2)(b) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **24(c)**

### 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;
- (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;
- (d) “judgment creditor” means the person seeking recognition or enforcement of an award; and

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(e) “judgment debtor” means the other party to the award.

[<sup>F5</sup>(2) Subject to the provisions of this rule, the following provisions of Part 74 apply with such modifications as may be necessary in relation to an award as they apply in relation to a judgment to which Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 applies—

- (a) rule 74.1;
- (b) rule 74.3;
- (c) rule 74.4(1), (2)(a) to (d), and (4);
- (d) rule 74.6 (except paragraph (3)(c) to (e)); and
- (e) rule 74.9(2).]

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

(4) The written evidence required by [<sup>F6</sup>rule 74.4] 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 [<sup>F7</sup>rule 74.4(2)(a) to (d)], 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.]

#### Textual Amendments

- F5** Rule 62.21(2) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **25(a)**
- F6** Words in rule 62.21(4) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **25(b)**
- F7** Words in rule 62.21(4)(b) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **25(c)**

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