

The Sri Lanka National Arbitration Centre (SLNAC)

EXPEDITED ARBITRATION RULES

(Based upon UNCITRAL Expedited Arbitration Rules)

Scope of application

Article 1

Where parties to an Arbitration have agreed that disputes between them in respect of a defined legal relationship, whether contractual or not, shall be referred to Arbitration by consent under the SLNAC Expedited Arbitration Rules ("Expedited Rules"), such disputes shall be administered in accordance with the SLNAC Arbitration Rules and subject to such modification as the parties and/or Arbitrator may agree.

Article 2

1. The parties and Arbitrators may agree at the hearing, that the Expedited Arbitration Rules shall be applicable to the Arbitration.
2. At any time during the proceedings, the parties and Arbitrators may agree that the SLNAC Expedited Rules shall no longer apply to the Arbitration.
3. At the request of a party, the Arbitral Tribunal may, in exceptional circumstances and after inviting the parties to express their views, determine that the SLNAC Expedited Rules shall no longer apply to the Arbitration. The Arbitral Tribunal shall state the reasons upon which such determination is based.
4. When the SLNAC Expedited Rules no longer apply to the arbitration pursuant to Article 1 or 2, the Arbitral Tribunal shall remain in place and conduct the Arbitration in accordance with the UNCITRAL Arbitration Rules and/or Arbitration Act No. 11 of 1995 or statutory amendment thereof.

Conduct of the parties and the Arbitral Tribunal

Article 3

1. The parties and Arbitrators shall act expeditiously and without undue delay throughout the proceedings.
2. The Arbitral Tribunal shall conduct the proceedings expeditiously taking into account the fact that the parties agreed to refer and/or administer their dispute under the SLNAC Expedited Arbitration and the time schedule in the SLNAC Expedited Rules.
3. The Arbitral Tribunal may, after inviting the parties to express their views and taking into account the circumstances

of the case, utilize any technological means as it considers appropriate to conduct the proceedings, including to communicate with the parties and to hold consultations and hearings remotely and/or by digital and electronic means.

Notice of Arbitration and Statement of Claim

Article 4

1. A Notice of Arbitration may also include:
 - (a) A proposal for the appointment of an Arbitrator/s.
 - (b) A proposal for the designation of the SLNAC Board of Governors as appointing authority, unless the parties have previously agreed on an appointing procedure thereon; and
2. When communicating its Notice of Arbitration to the Respondent, the Claimant may also communicate its Statement of Claim.
3. The Claimant shall communicate the Notice of Arbitration and the Statement of Claim to the Arbitral Tribunal as soon as it is constituted.

Response to the Notice of Arbitration and Statement of Defence

Article 5

1. Within 30 days of the receipt of the Notice of Arbitration, the Respondent shall communicate to the claimant a response to the Notice of Arbitration, which shall also include Responses to the information set forth in the Notice of Arbitration pursuant to article 4(1) (a) and (b) of the Expedited Rules above.
2. The Claimant shall communicate its Statement of Claim to the Respondent and the Arbitral Tribunal within 30 days of the notification of the constitution of the Arbitral Tribunal.
3. The Respondent shall communicate its Statement of Defence to the Respondent and the Arbitral Tribunal within 30 days of the receipt of the Statement of Claim.

Designating and appointing authorities

Article 6

1. When making the request under article (4) of the SLNAC Expedited Arbitration Rules, a party may request the Registrar of the SLNAC to notify the appointing authority of a request for appointment of Arbitrators.

2. If requested to serve as appointing authority in accordance with Article 4, the Registrar / Chairman of the Board of Governors will serve as appointing authority unless it determines that in view of the circumstances of the case, it is more appropriate to designate an appointing authority.

Number of arbitrators

Article 7

Unless otherwise agreed by the parties, there shall be one (Sole) Arbitrator.

Appointment of a Sole Arbitrator

Article 8

1. A Sole Arbitrator shall be appointed jointly by the parties.
2. If the parties have not reached agreement on the appointment of a Sole Arbitrator 15 days after a proposal has been received by all other parties, a Sole Arbitrator shall, at the request of a party, be appointed by the appointing authority in accordance with the SLNAC expedited Arbitration Rules.

Consultation with the parties

Article 9

Promptly and within 15 days of its constitution, the Arbitral Tribunal shall consult the parties, through a case management conference or otherwise, on the procedure under which it will conduct the Arbitration.

Discretion of the Arbitral Tribunal with regard to periods of time

Article 10

Subject to the SLNAC Expedited Rules, the Arbitral Tribunal for reasonable cause may at any time, after inviting the parties to express their views, extend or abridge any period of time prescribed under the SLNAC expedited Arbitration Rules and / or agreed by the parties.

Hearings

Article 11

The Arbitral Tribunal may, after inviting the parties to express their views and in the absence of a request to hold physical hearings, decide that physical hearings shall not be held.

Counterclaims or claims for the purpose of set off

Article 12

1. A Counterclaim or a claim in reconvention shall be made no later than 30 days of the statement of defence provided that the Arbitral Tribunal has jurisdiction over it.
2. The respondent may not make a counterclaim or claim in reconvention at a later stage in the arbitral proceedings, unless the Arbitral Tribunal considers it appropriate to allow such claim having regard to the delay in making it or prejudice to other parties or any other circumstances.

Amendments and supplements to a claim or defence

Article 13

During the course of the arbitral proceedings, a party may not amend or supplement its claim or defence, including a counterclaim or a claim in reconvention, unless the Arbitral Tribunal considers it appropriate to allow such amendment or supplement having regard to when it is requested or prejudice to other parties or any other circumstances. However, a claim or defence, including a counterclaim or a claim in reconvention, may not be amended or supplemented in such a manner that the amended or supplemented. Claim or defence falls outside the jurisdiction of the Arbitral Tribunal.

Further written statements

Article 14

The Arbitral Tribunal may, after inviting the parties to express their views, decide whether any further written statement / submissions, shall be required from the parties or may be presented by them.

Evidence

Article 15

1. The Arbitral Tribunal may decide which documents, exhibits or other evidence the parties should produce.
2. Unless otherwise directed by the Arbitral Tribunal, statements by witnesses, including expert witnesses, shall be presented in writing and signed by them.

3. The Arbitral Tribunal may decide which witnesses, including expert witnesses, shall testify to the Arbitral Tribunal if oral hearings are held.
4. The witness' statements and/or affidavits will be subject to a cross-examination within a prescribed time period.

Period of time for making the award

Article 16

1. The Arbitral Award shall be made within 12 months from the date of the constitution of the Arbitral Tribunal unless otherwise agreed by the parties.
2. The Arbitral Tribunal may, in exceptional circumstances and after inviting the parties to express their views, extend the period of time established in accordance hereof. The extended period of time shall not exceed a total of 15 months from the date of the constitution of the Arbitral Tribunal.
3. If the Arbitral Tribunal concludes that it is at risk of not rendering an award within 15 months from the date of the constitution of the Arbitral Tribunal, it shall propose a final extended time limit, state the reasons for the proposal, and invite the parties to express their views within a fixed period of time. The extension shall be granted only by the Board of Governors of SLNAC.
4. If there is no agreement as to the extension in Article 16(3), the parties may make a request that the Expedited Rules no longer apply to the arbitration. After inviting the parties to express their views, the Arbitral Tribunal may determine to continue to conduct the Arbitration in accordance with the Arbitration Act or Statutory modification thereof.

For your benefit you may adopt and record the following model Clause in the Rules.

Model Arbitration clause for contracts; or to be entered into of consent at hearings

Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by Arbitration in accordance with the SLNAC Expedited Arbitration Rules for the time being in force.



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The Sri Lanka National Arbitration Centre

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**The Oldest Institution
in the country
for Administration of
Arbitrations**

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