The BCA arbitration process guide

The Claimant applies to the BCA, within any time limits stipulated in the contract, to register an arbitration at the same time notifying the Respondent.

The Claimant draws up submissions detailing his claim and what he expects from the Tribunal and sends to the BCA within the time limits stipulated in the Arbitration & Appeal Rules. The BCA forward these to the Tribunal and Respondent.

The Respondent draws up submissions detailing his defence and counterclaim, if any, and sends to the BCA within the time limits stipulated in the Arbitration & Appeal Rules. The BCA forward these to the Tribunal and Respondent.

The Claimant draws up submissions detailing his reply to the Respondent’s statement of defence and defence to counterclaim, if any. The BCA forward these to the Tribunal and Respondent.

The Tribunal not only has discretion to accept additional submissions and documentary evidence from the parties but may seek further information.

In general, the majority of arbitrations are determined without an oral hearing which is not compulsory but may be requested either by the Tribunal or the parties.

The decision of the tribunal shall be made and issued in writing as an Award. Either party may appeal against an Award.

Once an appeal is lodged within the time limits stipulated in the Arbitration & Appeal Rules, a Board of Appeal will be appointed by the BCA to hear the dispute adopting a procedure similar to the first tier arbitration process.

The Award of a Board of Appeal, whether confirming, varying, amending or setting aside the Tribunal’s first tier Award is final and binding on both parties.

There is no right of appeal following an Appeal Award.

There are clear time limits set out in the BCA Arbitration & Appeal Rules within which a claim for arbitration can be made, submissions lodged, and an appeal against an award entered.

The detailed arbitration process is set out in the BCA Arbitration & Appeal Rules.
The Appeals Process

The BCA has a two-tier arbitration service:

- Each party has the right to appeal against the award made by a Tribunal, within the time limits stipulated in the Arbitration & Appeal Rules provided that payment of the fees and expenses of the Association and the Arbitrators have been paid.
- The BCA appoints 5 members of the Arbitration & Appeal Panel to constitute the Board of Appeal that will determine the dispute referred to them.
- An appeal entails a complete new hearing of a dispute. The parties cannot assume that evidence or information produced at the arbitration stage is available to the Board.
- The Award of the Board of Appeal shall be conclusive and binding on the parties.

How are awards enforced?

Most BCA awards of arbitration are complied with.

Awards can also be enforced under the 1958 New York Convention which concerns international arbitration matters. At present there are over 145 signatory countries to the New York Convention. This means that in general, arbitration awards rendered in one country will be enforced in another signatory country through their legal system.