

MODULE DESCRIPTOR

Module Title

Arbitration Law, Practice And Procedure

Reference	LLM228	Version	3
Created	June 2023	SCQF Level	SCQF 11
Approved	May 2020	SCQF Points	30
Amended	September 2023	ECTS Points	15

Aims of Module

To provide students with in-depth knowledge and comparative understanding of UK and international arbitration law; to examine the legal frameworks applicable in the UK and internationally including domestic legislation, Conventions, the Model Law and arbitration rules; to provide students with an understanding of key practical and procedural issues that arise before, during and after an arbitration; to teach students how to draft certain key arbitration documents (such as the arbitration clause, correspondence and interlocutors) and manage the arbitration process either as an arbitrator or a party to the process; to convey an understanding of the main practical and procedural issues that arise in cross-border arbitration; and to be familiar with alternative dispute resolution methods.

Learning Outcomes for Module

On completion of this module, students are expected to be able to:

- 1 Discuss in depth the basic structure of the arbitration regimes in the UK and in other key jurisdictions and to evaluate and explain the main issues that arise out of arbitration with a cross-border element.
- 2 Critically analyse the various institutional and ad hoc rules available for the conduct of UK and international arbitration.
- 3 Demonstrate in the context of an arbitral dispute a professional standard of case management, inter-personal skills and an ability to creatively apply procedural norms.
- 4 Demonstrate the ability to draft key arbitration documents in a sound way so as to ensure that they survive judicial scrutiny.
- 5 Develop skills of oral advocacy including presentation skills, addressing the tribunal in an appropriate and professional manner.

Indicative Module Content

Overview of non-arbitral dispute resolution processes; history of arbitration; arbitral law in the UK from appointment of arbitrator to enforcement of award; similar arbitral law in selected civil law and common law jurisdictions; selected 'soft law' instruments in arbitration; international private law (choice of law, recognition and enforcement of decrees and awards and jurisdiction); overview of UNCITRAL Model Law on International Commercial Arbitration; overview of UNCITRAL Arbitration Rules and selected institutional arbitration rules; the arbitration agreement and jurisdiction of the tribunal; commencement of arbitration; nomination and appointment of the tribunal; general principles and ethics; interlocutory proceedings; challenges; duties and powers of the tribunal; conduct of a hearing; dealing with evidence and applications to the tribunal; nature and purpose of an arbitral award; remedies, costs, interest and currency issues; judicial control of and assistance to arbitration.

Module Delivery

This course will be taught via online lecture notes, online tutorials, assigned reading and exercises, case studies and directed reading/research.

Indicative Student Workload

	Full Time	Part Time
Contact Hours	N/A	72
Non-Contact Hours	N/A	228
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
TOTAL	N/A	300
<i>Actual Placement hours for professional, statutory or regulatory body</i>		

ASSESSMENT PLAN

If a major/minor model is used and box is ticked, % weightings below are indicative only.

Component 1

Type:	Practical Exam	Weighting:	40%	Outcomes Assessed:	2, 3, 5
Description:	An oral presentation to be submitted online comprising 40% of the overall mark.				

Component 2

Type:	Examination	Weighting:	60%	Outcomes Assessed:	1, 3, 4
Description:	Open book exam constituting 60% of the overall mark				

MODULE PERFORMANCE DESCRIPTOR**Explanatory Text**

Component 1 is an oral presentation weighted at 40%. Component 2 is an examination weighted at 60%. The grades are calculated by reference to the grid below.

		Practical Exam:						
		A	B	C	D	E	F	NS
Examination:	A	A	A	B	B	C	E	
	B	B	B	B	C	C	E	
	C	B	C	C	C	D	E	
	D	C	C	D	D	D	E	
	E	C	D	D	E	E	E	
	F	E	E	E	E	F	F	
	NS	Non-submission of work by published deadline or non-attendance for examination						

Module Requirements

Prerequisites for Module None.

Corequisites for module None.

Precluded Modules None.

INDICATIVE BIBLIOGRAPHY

- 1 Blackaby, N. and Partasides, C., 2015 Redfern and Hunter on international arbitration - student version 6th ed. Oxford: Oxford University Press.
- 2 Shirley Shipman, Ben Waters, William Wood, Henry Brown, 2018 Brown & Marriott's ADR Principles and Practice 4th ed. London: Sweet and Maxwell.
- 3 Harris, B., Planterose R. and Tecks, J., 2014. Arbitration act 1996. 5th ed. London: Blackstone Press.
- 4 Sutton, J.D., Gill, J., et al 2014. Russell on arbitration. 24th ed. London: Sweet and Maxwell.
- 5 Tweeddale, A. and Tweeddale, K., 2007. Arbitration of commercial disputes: international and English law and practice. Oxford: University Press.
- 6 BORN, G. International Commercial Arbitration 3rd ed., Kluwer Law International, 2021.
- 7 BINDER, P., 2019. International Commercial Arbitration and Mediation in UNCITRAL Model Law Jurisdictions (Kluwer Law International).
- 8 Lew, J.D.M., Mistelis, L.A. and Kroll, S.M., 2003. Comparative international commercial arbitration. The Netherlands: Kluwer Law International.