



**International Institute of Construction Arbitrators
("IICArb")**

Arbitration Appeal Procedure Rules

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APPEALS PROCEDURE

1. An interim and/or final award shall be subject to appeal where the Parties have agreed to the right of appeal in their agreement or otherwise in writing.
2. A Party (appellant) wishing to refer an award to appeal shall within 5 days after receipt of the award deliver a notice of appeal to the other Party. The notice of appeal shall specify the part of the award appealed against or whether the whole of the award is appealed against and the grounds of appeal.
3. The other Party (respondent) shall have the right within 5 days after receipt of the notice of appeal to respond (response to notice of appeal) with/ without a cross appeal which specifies that part of the award appealed against or the whether the whole of the award is appealed against and the grounds of appeal.
4. Where a cross appeal was submitted, the appellant shall have the right to respond (response to cross appeal) within 5 days.
5. The appellant shall deliver his heads of argument within 10 days after the expiration of the period in rule 4 or rule 3 where no cross appeal was lodged. The respondent shall deliver his heads of argument within 15 days after the expiration of the period in rule 4 or rule 3 where no cross appeal was lodged.
6. Appointment of the Arbitral Tribunal shall be as follows as per agreement between the Parties: -
 - 6.1. either Party shall appoint an Arbitrator within 10 days of the expiration of the time period in rule 4 or 3 whichever is applicable, and the two (2) Arbitrators shall appoint a third Arbitrator within 10 days after their appointment, who shall act as chairperson; or
 - 6.2. all Arbitrators shall be appointed by IICArb within 10 days of the Request for Appointment.
7. If the Parties are unable to reach agreement as to the appointment procedure in rule 6 above, IICArb shall appoint the Arbitrators.
8. Where the appointment is to be made by IICArb, either Party may submit a Request for Appointment together with the prescribed fee to info@iicarb.com.
9. The Arbitral Tribunal shall have the discretion whether to set the matter down for oral hearing or decide the matter based on the papers presented.



10. In the event of an oral hearing, the hearing shall take place within 20 days after expiration of the appointment of the Arbitrators or the date on which the last Arbitrator was appointed.
11. The Arbitral Tribunal shall notify the Parties of the date of the hearing, location and time, 10 days prior to the hearing.
12. The Arbitral Tribunal shall publish its award within 15 days after the hearing. The provisions under rules 31 to 37 (of the Arbitration Rules) shall apply *mutatis mutandis* to appeals.
13. In the event that the Arbitral Tribunal decide the matter on the papers (without oral hearing), the Arbitral Tribunal shall deliver its award within 15 days after its notice to the Parties that the matter will be decided on the papers filed.

AMENDMENT OF THE RULES

14. These rules may be amended by IICArb at any time and will be made available on IICArb's website.
15. The Parties and the Arbitral Tribunal may by mutual agreement in writing amend these rules.

DOCUMENT FORMALITIES

16. All documents prepared by the Parties and Arbitral Tribunal shall conform with the following:-
 - Font: Arial;
 - Font size: 12;
 - Alignment: Justify;
 - Line spacing: 1.5 or 2
 - Each page of every document drafted must be numbered and every annexure must be marked as such. For example: if the Statement of Claim consists of 20 documents then the pages must be numbered 1 to 20 – if it contains annexures A, B, and C then each annexure must be marked as such and numbered.
 - Contain an index of the documents and pages thereto.

