

Module Title	INTERNATIONAL COMMERCIAL ARBITRATION
Date of Approval	November 2011
Module Code	7LA515
Pre-requisite	None
Module Level	7
Credit value	20
Total Number of Learning Hours	200
Key Words	Arbitration, mediation, conciliation, negotiation, dispute resolution, arbitration agreement, arbitral tribunal, arbitral proceedings, arbitral awards and the UK Arbitration Act 1996.
Module Delivery Mode	Face to Face / Blended / Online / Distance

Module Description

This module will examine both national and international commercial arbitration. The module focuses on the rules which govern arbitration agreements, arbitral tribunal, arbitral proceedings and arbitral awards. In addition to providing an overview of the arbitral process, the module also focuses on the New York Convention, the UNCITRAL Model Law as well as national arbitration law.

Module Learning Outcomes

On successful completion of the module, students will be able to:

1. Discuss coherently the meaning and philosophy of dispute resolution and its different types – arbitration, mediation, conciliation, expert determination, negotiation, and litigation;
2. Evaluate the fundamental rules of arbitration law with reference to the relevant legislation and case law and its international perspective; and
3. Critically analyse the impact of arbitration law on dispute resolution mechanisms and how these operate in a business, commercial and social context;

Module Content

- Existing dispute resolution mechanisms
- Comparing and contrasting negotiation, mediation, conciliation and arbitration as a means of resolving disputes. Focus on the distinctive features of arbitration.
- Legislative framework – UK Arbitration Act 1996.
- Arbitration: Defining arbitration. An agreement to refer existing or future disputes to arbitration. Arbitration clauses in standard form contracts.

- Role of the Arbitrator, Appointment of arbitrators, Qualifications of an arbitrator, the rights and duties of the arbitrator, the course of an arbitral reference, removing an arbitrator.
- Awards - Types of awards, Form and content of awards, Enforcement of an award.
- The Courts and Arbitration
- Role of the High Court. Stay on legal proceedings. Court challenges to the decisions and awards of an arbitrator.
- International Arbitration
- Arbitration (International Commercial) Act, 1998 and UNCITRAL Model Law on International Commercial Arbitration

Module Learning and Teaching Methods

Teaching of the course will be conducted through a mixture of lectures and seminars. At the beginning more emphasis will be placed on lectures so as to introduce the subject but at all times it is intended that the process should be interactive. Students are expected and encouraged to contribute to classroom discussion. More detailed information on seminars will be provided in due course.

Class or electronic engagement	36 hours
Directed reading	36 hours
Independent Study	90 hours
Assessment preparation	38 hours
Total	200 hours

Scheduled learning and teaching activities: 18%
Guided independent study: 82%
Placement/study abroad: 0%

Module Assessment

Mode: Coursework 50% / Practical Examination 50%,

Practical examination 50%

Students will undertake a model arbitration and receive formative feedback on their practical performance, as well as a grade based upon their legal underpinning knowledge and strategy

Coursework 50%

Detailed written work including case study (2,000 words)

Reading list

Key texts

UK Arbitration Act 1996

http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_1

UNCITRAL Model Law on International Commercial Arbitration 2006

http://www.uncitral.org/pdf/english/texts/arbitration/ml-arb/07-86998_Ebook.pdf

Tweeddale & Tweeddale Arbitration of Commercial Disputes: International and English Law and Practice 2007 OUP

Moses The Principles and Practice of International Commercial Arbitration 2008

Moses, *The Principles and Practice of International Commercial Arbitration* 2008 Cambridge University Press.

International Arbitration: A Handbook (Disputes Resolution Guides) by Mark Huleatt-James,

Nicholas Gould, and Phillip Capper (Paperback - 30 Sep 2004)

Marshall, E.A. *Gill, The Law of Arbitration*, Fourth Edition, Sweet & Maxwell 2001.

Mackie, K. Miles, D. Marsh, W. *Commercial dispute resolution*. Butterworths 1995.

