



## **Practice Note on Consolidation of Arbitrations**

Effective 1 January 2016

### **1 Scope of Application and Interpretation**

- 1.1 This Practice Note applies to arbitrations in which a Request for Consolidation (the "Request") is submitted under Article 28 of the 2013 HKIAC Administered Arbitration Rules (the "Rules") on or after 1 January 2016. It is issued pursuant to Article 3.12 of the Rules.
- 1.2 The submission and service of the Request, comments on the Request, and any subsequent communications regarding the Request between HKIAC, the parties and any confirmed arbitrators shall be considered as disclosures or communications contemplated by Article 42 of the Rules.
- 1.3 HKIAC may interpret the terms as well as the scope of application of this Practice Note as it considers appropriate.

### **2 Required Content of the Request**

The Request shall include the following:

- (a) the case references of the arbitrations pending under the Rules requested to be consolidated (the "Arbitrations"), where applicable;
- (b) the names and addresses, telephone and facsimile numbers, and email addresses of each of the parties to the Arbitrations, their counsel and any arbitrators who have been designated or confirmed in the Arbitrations;
- (c) a request that the Arbitrations be consolidated;
- (d) a copy of the arbitration agreement(s) giving rise to the Arbitrations;
- (e) a copy of the contract(s) or other legal instrument(s) out of or in relation to which the Request arises;
- (f) a description of the general nature of the claim and an indication of the amount involved, if any, in each of the Arbitrations;
- (g) a statement of the facts supporting the Request, including, where applicable, evidence of all parties' written consent to consolidate the Arbitrations;
- (h) the points at issue;
- (i) the legal arguments supporting the Request;
- (j) details of any applicable mandatory provision affecting consolidation of arbitrations;

- (k) the relief or remedy sought;
- (l) comments on the appointment of the arbitral tribunal if the Request is granted, including whether to preserve the appointment of any arbitrators already designated or confirmed; and
- (m) confirmation that copies of the Request and any exhibits included therewith have been or are being served simultaneously on all other relevant parties and any confirmed arbitrators in accordance with Article 2.1 of the Rules, with the means of service to be identified in such confirmation.

### **3 Comments on the Request**

Where the other parties or any confirmed arbitrators are requested to provide comments on the Request, such comments may include (without limitation) the following particulars:

- (a) comments on the particulars set forth in the Request pursuant to paragraph 2(a) to (j) of this Practice Note;
- (b) answer to the relief or remedy sought in the Request pursuant to paragraph 2(k) of this Practice Note;
- (c) response to the comments made in the Request pursuant to paragraph 2(l) of this Practice Note; and
- (d) confirmation that copies of the comments have been or being served simultaneously on all other relevant parties and any confirmed arbitrators in accordance with Article 2.1 of the Rules, with the means of service to be identified in such confirmation.