



## ARBITRATION NOTES

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### 'WINGING' IT ON ENFORCEMENT? SOUTH AFRICAN COURT LIFTS ATTACHMENT OVER TANZANIAN PLANE BECAUSE UNDERLYING AWARD 'CEASED TO EXIST'

19 September, 2019

In a recent and controversial judgment, the High Court of South Africa set aside an attachment order authorising the attachment of an aircraft owned by the Tanzanian Government in satisfaction of a foreign arbitral award, on the ground that the award "ceased to exist" when it was converted into an order of the courts of ... [Read more](#)

### HERBERT SMITH FREEHILLS SUPPORTS "THE AFRICAN PROMISE"

17 September, 2019

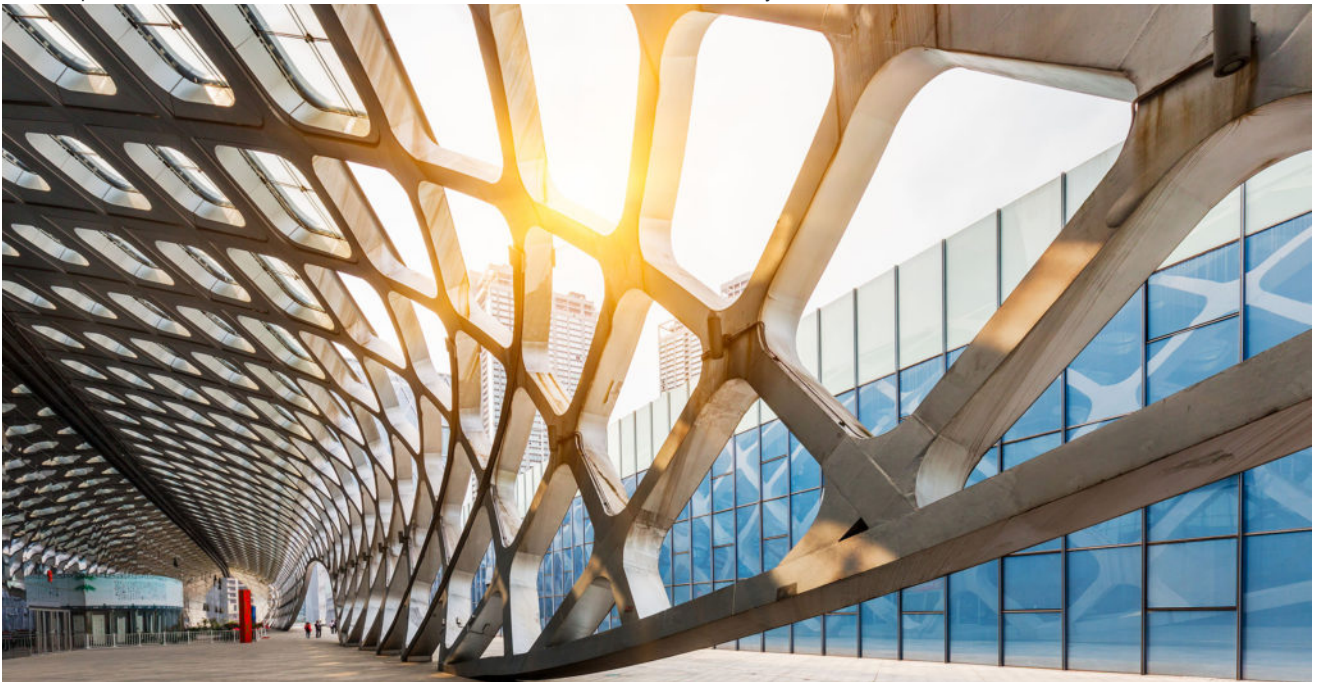
International arbitration does not lack critics. A particularly common criticism is the absence of cultural and ethnic diversity among arbitrators. In the words of Sarah François-Poncet of Salans, some twenty years ago, the usual suspects are 'pale, male, and stale'. Despite numerous initiatives to support and encourage diversity, and the diversification of the pools from ... [Read more](#)



## CONSTRUCTION ARBITRATION PODCAST SERIES EPISODE 1: INTRODUCTION TO CONSTRUCTION ARBITRATION

05 September, 2019

Complex construction projects commonly give rise to disputes, which are often referred to arbitration. But what makes a construction arbitration different from any other type of commercial arbitration? We are pleased to share the first episode in our Construction Arbitration podcast series which explores in more detail what makes a construction arbitration different from any ... [Read more](#)



## PRO-ENFORCEMENT STANCE OF ENGLISH COURTS IS PUT TO TEST IN S103(5) APPLICATION FOR ADJOURNMENT OF ENFORCEMENT

04 September, 2019

In the recent case of AIC Limited v. The Federal Airports Authority of Nigeria, the English High Court revisited the difficult question of whether to exercise its discretion under s103(5) of the Arbitration Act 1996 (the "1996 Act") to stay enforcement proceedings in England in favour of pending s aside proceedings in a foreign court, ... [Read more](#)

## HONG KONG COURT: REMISSION FOR RECONSIDERATION – NOT AN AUTOMATIC CURE FOR SUBSTANTIAL INJUSTICE

28 August, 2019

In P v. M [2019] HKCFI 1864; HCCT 6/2019 (24 July 2019), the Hong Kong Court of First Instance set aside parts of two arbitral awards which were found to be in breach of procedural fairness resulting in substantial injustice. Background This is the second of two set aside applications arising from the same underlying ... [Read more](#)

## HONG KONG: COURT GRANTS ANTI-SUIT INJUNCTION TO RESTRAIN FOREIGN PROCEEDINGS IN BREACH OF AN ARBITRATION AGREEMENT UNDER AN INSURANCE POLICY

27 August, 2019

In the recent case of AIG Insurance Hong Kong Ltd v Lynn McCullough and William McCullough [2019] HKCFI 1649, the Hong Kong Court of First Instance (CFI) considered the effect of an arbitration agreement under an insurance policy and, in particular, the circumstances in which an anti-suit injunction may be granted to restrain a party ... [Read more](#)

## NEW BAC RULES TO ENTER INTO FORCE ON 1 SEPTEMBER 2019

22 August, 2019

The Beijing Arbitration Commission (BAC) has updated its arbitration rules and fee schedule. The new versions will replace the current (2015) version, with effect from 1 September 2019. Among a number of notable amendments, BAC's revised fee structure marks a significant step toward aligning Chinese arbitral practice with international standards. The new fee schedule: distinguishes ... [Read more](#)

## HERBERT SMITH FREEHILLS – SMU ASIAN ARBITRATION LECTURE

21 August, 2019

This year marks the ninth edition of the Herbert Smith Freehills – SMU Asian Arbitration Lecture Series. We are delighted that The Honourable Justice Judith Prakash will deliver the lecture on Wednesday 2 October, on the topic "The Court's role in arbitral proceedings: regulator or promoter?" The Herbert Smith Freehills-SMU Asian Arbitration Lecture Series was ... [Read more](#)

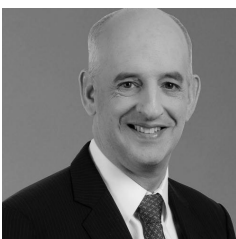
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