

CYPRUS

ARBITRATION

CHAPTER 4 OF THE LAWS

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1959

CHAPTER 4.

ARBITRATION.

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A LAW TO MAKE PROVISION FOR THE REFERENCE AND SUBMISSION OF DIFFERENCES TO ARBITRATION.

[6th January, 1944.]

1949 Cap. 5.

1. This Law may be cited as the Arbitration Law.
2. (1) In this Law—
“ arbitration agreement ” means a written agreement

Short title.

Interpreta-
tion.

to submit present or future differences to arbitration, whether an arbitrator is named therein or not;

“ the Court ” means the District Court or any Judge thereof having jurisdiction in the matter.

(2) References in this Law to an award shall include references to an interim award.

Arbitration
agreement
irrevocable
having effect
as order of
Court.

3. An arbitration agreement, unless a contrary intention is expressed therein, shall be irrevocable except by leave of the Court and shall have the same effect in all respects as if it had been made an order of Court.

Arbitration
agreement
not to be
discharged
by death of
party
thereto.

4. (1) An arbitration agreement shall not be discharged by the death of any party thereto, either as respects the deceased or any other party, but shall in such an event be enforceable by or against the executor, administrator or heirs of the deceased as representing his estate.

(2) The authority of an arbitrator shall not be revoked by the death of any party by whom he was appointed.

(3) Nothing in this section shall be taken to affect the operation of any enactment or rule of law by virtue of which any right of action is extinguished by the death of a person.

Provisions
in case of
bankruptcy.

5. (1) Where it is provided by a term in a contract to which a bankrupt is a party that any differences arising thereout or in connection therewith shall be referred to arbitration, the said term shall, if the trustee in bankruptcy adopts the contract, be enforceable by or against him so far as relates to any such differences.

(2) Where a person who has been adjudged bankrupt had before the commencement of the bankruptcy become a party to an arbitration agreement and any matter to which the agreement applies requires to be determined in connection with or for the purposes of the bankruptcy proceedings, then, if the case is one to which subsection (1) of this section does not apply, any other party to the agreement or the trustee in bankruptcy, may apply to the Court for an order directing that the matter in question shall be referred to arbitration in accordance with the agreement, and that Court may, if it is of opinion that, having regard to all the circumstances of the case, the matter ought to be determined by arbitration, make an order accordingly.

6. An arbitration agreement, unless a contrary intention is expressed therein, shall be deemed to include the provisions set out in the First Schedule to this Law, so far as they are applicable to the reference under the arbitration agreement.

Provisions implied in arbitration agreements. First Schedule.

7. Where an arbitration agreement provides that a reference shall be to an official referee, any official referee to whom application is made shall, subject to any order of Court as to transfer or otherwise, hear and determine the matters agreed to be referred.

Reference to official referee.

8. If any party to an arbitration agreement, or any person claiming through or under him, commences any legal proceedings in any Court against any other party to the arbitration agreement or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to that Court to stay the proceedings, and that Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the arbitration agreement and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power to stay proceedings where there is an arbitration agreement.

9. (1) Where an agreement between any parties provides that disputes which may arise in the future between them shall be referred to an arbitrator named or designated in the agreement and after a dispute has arisen any party applies, on the ground that the arbitrator so named or designated is not or may not be impartial, for leave to revoke the arbitration agreement or for an injunction to restrain any other party or the arbitrator from proceeding with the arbitration, it shall not be a ground for refusing the application that the said party at the time when he made the agreement knew, or ought to have known, that the arbitrator by reason of his relation towards any other party to the agreement or of his connection with the subject referred might not be capable of impartiality.

Power of Court to give relief where arbitrator is not impartial or dispute referred involves question of fraud.

(2) Where an agreement between any parties provides that disputes which may arise in the future between them shall be referred and a dispute which so arises involves the