

**TITLE 30 – CIVIL REMEDIES AND SPECIAL PROCEEDINGS
CHAPTER 3 - ARBITRATION**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ARBITRATION ACT 1980

Arrangement of Sections

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Republic of the Marshall Islands
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ARBITRATION ACT 1980

AN ACT to provide for a system of arbitration of controversies.

Commencement:

December 30, 1980

Source:

P.L. 1980-21

PART I - PRELIMINARY

§301. Short Title.

This Chapter may be cited as the Arbitration Act 1980. [P.L. 1980-21, §1.]

§302. Interpretation.

In this Chapter :

- (a) **“agreement”** includes, but is not limited to:
 - (i) an agreement providing for valuations, appraisals and similar proceedings; and
 - (ii) an agreement between employers and employees, or between representatives of employers and employees;
- (b) **“arbitration agreement”** means, subject to Section 303 of this Chapter, a written agreement to submit a controversy to arbitration:
 - (i) whether the agreement is general or specific;
 - (ii) whether or not a controversy that is the subject of the agreement already exists; and

- (iii) whether or not the agreement is part of or is associated with or related to some other agreement (oral or written);
- (c) “**award**” means an award made, in accordance with this Chapter, pursuant to an arbitration agreement, and includes an award made pursuant to an unwritten agreement to submit a controversy to arbitration;
- (d) “**civil action**” means a civil action in the High Court;
- (e) “**controversy**” means, subject to Section 303 of this Chapter, a controversy that is the subject of an arbitration agreement, whether the question is a question of law or of fact, or a mixed question of law and fact;
- (f) “**neutral arbitrator**” means an arbitrator who is:
 - (i) appointed jointly by the parties;
 - (ii) appointed jointly by the arbitrators selected by the parties; or
 - (iii) in default of appointment under Subparagraph (i) or (ii) of this Paragraph, appointed by the High Court;
- (g) “**party**”, in relation to an arbitration agreement, means a party to the agreement:
 - (i) who seeks to arbitrate a controversy to the agreement;
 - (ii) against whom the arbitration of a controversy pursuant to the agreement is sought; or
 - (iii) who is made a party to such an arbitration by order of the neutral arbitrator:
 - (A) on application by any party;
 - (B) on application by any party to the arbitration; or
 - (C) on his own motion;
- (h) “**service**” means personal service by registered or certified mail, on the person to be served or his attorney;
- (i) “**written agreement**” includes a written agreement that has been extended or renewed by an oral or implied agreement.
[P.L. 1980-21, §2.]

§303. Application of this Chapter .

- (1) This Chapter does not apply to or in relation to an agreement that expressly excludes its application.
- (2) This Chapter applies to and in relation to an award whether or not it was made in the Republic. [P.L. 1980-21, §3.]

PART II- ENFORCEMENT OF ARBITRATION AGREEMENT**§304. Validity of arbitration agreements.**

A written agreement to submit to arbitration an existing controversy or a controversy arising after the agreement, is valid, enforceable and, except on such grounds that exist for the revocation of any contract, irrevocable. [P.L. 1980-21, §4.]

§305. Orders to arbitrate.

- (1) Subject to Subsections (2) and (3) of this Section, on the petition of a party to an arbitration agreement alleging that a party to the agreement refuses to arbitrate a controversy in accordance with the agreement, the High Court shall order the petitioner and the respondent to arbitrate the controversy, if it determines that a written agreement to arbitrate the controversy exists.
- (2) The High Court may refuse to make an order under Subsection (1) of this Section if:
 - (a) the right to compel arbitration has been waived by the petitioner; or
 - (b) grounds exist for the revocation of the arbitration agreement; or
 - (c) subject to Subsection (3) of this Section, a party to the agreement is also a party to a pending court action or special proceeding with a third party, arising out of the same transaction or a related transaction, and there is a possibility of conflicting rulings on a common issue of law or fact.
- (3) In a case to which Subsection (2)(c) of this Section applies, the High Court may, if it thinks proper to do so, make any order that is just and practicable in the circumstances including, but not limited to: