

INTERNATIONAL ARBITRATION ACT 2017
(ACT NO. 44 OF 2017)

SECTIONS

PART 1—PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Act to bind the State

PART 2—ARBITRATION

Division 1—Preliminary

4. Scope of application
5. Interpretation of Part 2
6. Receipt of written communications
7. Waiver of right to object
8. Extent of court intervention
9. Court for certain functions of arbitration assistance and supervision
10. Application of Limitation Act 1971

Division 2—Arbitration agreement

11. Definition and form of arbitration agreement
12. Arbitration agreement and substantive claim before court
13. Death, bankruptcy or winding up of party to arbitration agreement
14. Arbitration agreement and interim measures by court

Division 3—Composition of arbitral tribunal

15. Number of arbitrators
16. Appointment of arbitrators
17. Grounds for challenge
18. Challenge procedure
19. Failure or impossibility to act
20. Appointment of substitute arbitrator
21. Liability and immunity

Division 4—Jurisdiction of arbitral tribunal

22. Competence of arbitral tribunal to rule on its jurisdiction

Division 5—Interim measures and preliminary orders

Subdivision 1—Interim measures

23. Power of arbitral tribunal to order interim measures
24. Conditions for granting interim measures

Subdivision 2—Preliminary orders

25. Applications for preliminary orders and conditions for granting preliminary orders
26. Specific regime for preliminary orders

Subdivision 3—Provisions applicable to interim measures and preliminary orders

27. Modification, suspension and termination
28. Provision of security
29. Disclosure
30. Costs and damages

Subdivision 4—Recognition and enforcement of interim measures

31. Recognition and enforcement
32. Grounds for refusing recognition or enforcement

Subdivision 5—Court ordered interim measures

33. Court ordered interim measures

Division 6—Conduct of arbitral proceedings

34. Equal treatment of parties
35. Representation in arbitral proceedings
36. Determination of rules of procedure
37. Place of arbitration
38. Commencement of arbitral proceedings
39. Language
40. Statements of claim and defence
41. Hearings and written proceedings
42. Default of a party
43. Expert appointed by arbitral tribunal
44. Court assistance in taking evidence
45. Confidentiality

Division 7—Making of award and termination of proceedings

46. Rules applicable to substance of dispute
47. Decision making by panel of arbitrators
48. Settlement
49. Form and contents of award
50. Termination of proceedings
51. Correction and interpretation of award; additional award

Division 8—Recourse against award

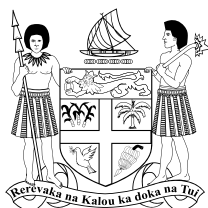
52. Application for setting aside as exclusive recourse against arbitral award

Division 9—Recognition and enforcement of awards

- 53. Recognition and enforcement
- 54. Grounds for refusing recognition or enforcement
- 55. Public policy

PART 3—MISCELLANEOUS

- 56. Regulations
- 57. Consequential amendments

ACT NO. 44 OF 2017

I assent.

J. K. KONROTE
President

[18 September 2017]

AN ACT

TO MAKE PROVISION FOR THE CONDUCT OF INTERNATIONAL ARBITRATIONS
BASED ON THE MODEL LAW ADOPTED BY THE UNITED NATIONS
COMMISSION ON INTERNATIONAL TRADE LAW ON INTERNATIONAL
COMMERCIAL ARBITRATION AND TO GIVE EFFECT TO THE NEW YORK
CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN
ARBITRAL AWARDS AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1 — PRELIMINARY*Short title and commencement*

1.—(1) This Act may be cited as the International Arbitration Act 2017.

(2) This Act comes into force on a date or dates appointed by the Attorney-General by notice in the Gazette.

Interpretation

2. In this Act, unless the context otherwise requires—

“arbitral tribunal” means a sole arbitrator, a panel of arbitrators or an emergency arbitrator appointed pursuant to the rules of arbitration agreed to or adopted by the parties;