

Emergency Arbitrations under LCIA London Rules

■ Zoya Burbeza

Emergency Arbitration is a relatively new concept which has been adopted by various arbitral institutions in order to address the

issue when a party needs an emergency interim relief at the pre-arbitral stage. Prior to this, a party had only an option of seeking such interim relief in court or wait until the Arbitral Tribunal has been constituted.

Emergency Arbitration provisions have been introduced by most major arbitral institutions. London Court of International Arbitration (LCIA) has introduced Emergency Arbitration procedure in its new rules, which came into effect on 1 October 2014 and replaced the LCIA rules of 1998. It is important to note that the Emergency Arbitration procedure under LCIA rules applies only to arbitration agreements concluded on or after 1 October 2014.

Similarly to arbitration rules of other institutions, where Emergency Arbitration procedure was introduced earlier, the LCIA rules provide that it envisages the appointment of temporary sole arbitrator to conduct emergency proceedings to address a claim for emergency relief pending the formation of the arbitration tribunal. An Emergency Arbitrator does not remain to determine the merits of the dispute but solely deals with the emergency reliefs.

Most major institutions provide that the decision of an Emergency Arbitrator takes form of an order. However, under LCIA rules such decision may be made by way of an order or an award.

As regards the procedure, an application for an Emergency Arbitration can be made to the Registrar in writing by a party at any time before the formation of the tribunal or together with the request of arbitration. The application must contain grounds, specific claim(s) with reasons for emergency relief and include all relevant evidence in support. Currently, the fee of an Emergency Arbitration application in the LCIA Court is £28,000.

The LCIA Court will then appoint an Emergency Arbitrator within three days of the receipt of the application by the Registrar (if such application is successful). The LCIA would choose a candidate taking into account his/her experience and availability to deal with the matter. The Emergency Arbitrator will then consider the claim for emergency relief and make a written and reasoned decision within 14 days of the appointment.

The Arbitration Tribunal can subsequently vary, discharge or revoke any order or award made by an Emergency Arbitrator.

The aim of the LCIA in introducing Emergency Arbitration provisions is that the parties, in need of an emergency interim relief, should use this procedure instead of seeking assistance from courts. [v](#)



Zoya Burbeza (Solicitor) is the head of the Russia & CIS desk of Zaiwalla & Co. She provides a range of commercial legal services to Russian speaking and other international clients.



Zaiwalla & Co
solicitors

ZAIWALLA & CO.

Chancery House, 53/64 Chancery Lane London
WC2A 1QS, DX: 42 Chancery Lane