

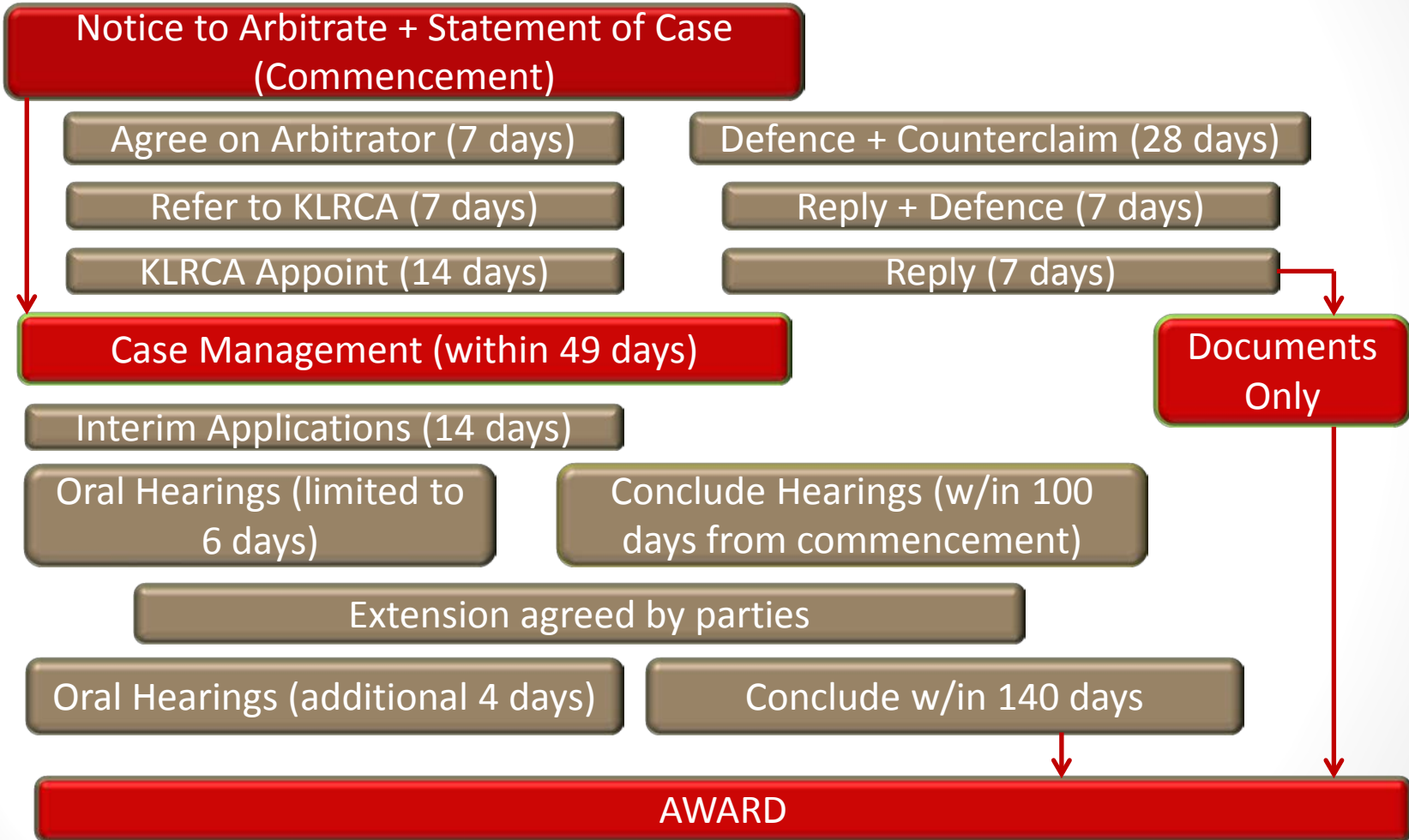
# The KLRCA Fast Track Arbitration Rules 2010

# How fast?

From Commencement to Award

## 140 days

( + 40 days if agreed by parties)



# Award

## Publishing of Award

Documents only – within 90 days from commencement

Full Hearing – within 140 days from commencement

Arbitrator can Extend

Must Justify to All

Need Consent of KLRCA Director

# Problems faced by Lawyers?

- Strict timeline once Arbitration commences
- Delay by other party in compliance with rules
- Impact of limited time for oral hearing on cross-examination

# Can It Work?

- Yes : Arbitrator Empowered under the Rules
- Limited Time – Chess Clock Hearing Method
- Rebuttal Witness Statements/Pre-Hearing Interrogatories
- Hot Tubbing
- Private Assessment of Cross-Examination Areas & Directions
- Strict Time Frames : not followed/ no weight

# Can It Work?

- Only Arbitrations where Dispute Sum below RM1 million?
- Follow up to Adjudication Process
  - All Evidence In & Presented Before
  - No Ambush by Claimant
- On Project Determinations
  - Evidence is fresh & accessible
  - Parties are in dispute: no ambush

# The Future...

## Impending Changes to the Fast Track Rules

- Option of having panel of 3 Arbitrators
  - Cater to Maritime disputes
- Minimum dispute figurative level to distinguish documents only and full arbitration
- Construction Industry Payment Adjudication Act (CIPAA)