

PART V
International Commercial Arbitration

55. (1) Subject to this Part, the Model Law shall form part of the Laws of Malta and shall be enforceable as such.
(2) In the Model Law:

"State" means Malta and any foreign country;
"this state" means Malta.
56. (1) For the purposes of interpreting the Model Law, reference may be made:
(a) to the works of the United Nations Commission on International Trade Law; and
(b) to the preparatory documents of the Model Law.
(2) Subarticle (1) does not affect the application of the Interpretation Act for the purposes of interpreting this Act.
57. The functions referred to in Article 6 of the Model Law shall be performed by:
(a) the chairman in respect to Articles 11(3), 11(4), 13(3) and 14; and
(b) the Court of Appeal in respect to Articles 16(3), 34(2) and 35(1).
58. With reference to Articles 34(2)(b) (ii) and 36(1)(b) (ii) of the Model Law, for the purposes of the said Articles it is hereby declared that an award is in conflict with the public policy of Malta if -
(a) the award was induced or affected by fraud or corruption; or
(b) a breach of the rules of natural justice occurred in connection with the making of the award.
59. Part VII of this Act on the Recognition and Enforcement of Foreign Awards shall apply to foreign arbitration awards and Chapter VIII of the Model Law shall not apply.
60. If the parties to an arbitration agreement falling under this Part of this Act have (whether in the agreement or in any other document in writing) agreed that any dispute that has arisen or may arise between them is to be settled otherwise than in accordance with the Model Law, and the parties have not chosen the rules that are to govern the arbitration, then the provisions of Part IV of this Act shall apply.
61. (1) Registration with the Centre of an international award shall not be required for the validity of the award.
(2) Where in accordance with article 60, the provisions of Part IV of the Act apply, the requirement in article 17(1) with regard to filing of a notice of arbitration for registration by the Centre shall not apply and the relevant provisions of the Model Law shall apply.
(3) Notwithstanding subarticle (1), an international award may be registered with the Centre as

provided in article 72 on the application of any interested party and against payment of the applicable fee; provided that in such a case article 72(4)(a) and article 72(6) shall not apply and the following subarticles (4) and (5) shall apply in their stead.

(4) The Registrar shall not register an international award prior to the lapse of at least three months from the date of the award unless the parties confirm in writing that they do not intend to take any recourse against the award in terms of applicable law.

(5) On the lapse of the period stated in subarticle (4), the Registrar shall not register an international award if he is notified that recourse against an award has been taken by any party to the arbitration proceedings, until such time as he is notified of the outcome of such recourse. Any party to the proceedings who may take recourse against an award shall notify the Centre in writing of any recourse taken, in Malta or overseas, within fifteen days of such event.

(6) When the parties to an international arbitration agreement have expressly reserved recourse in terms of article 69A(3), any appeal shall be made within the period stated in article 34(3) of the Model Law.

(7) An international award given pursuant to Part V shall, upon its registration with the Centre as provided in this article, constitute an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

(8) Where no party has registered the award with the Centre in terms of this article, any party relying on an international award may at any time apply to the Court of Appeal for recognition and enforcement of the said award in accordance with Part VIII of the Model Law and the provisions in that part shall apply mutatis mutandis to any appeal which may have been reserved in terms of article 69A(3).

(9) On application by any party, the Court of Appeal may, notwithstanding the provisions of the Code of Organization and Civil Procedure or the Model Law, order the provisional enforcement of an international award in whole or in part, and may issue all such related and ancillary orders as it may deem fit.

62. Notwithstanding the provisions of article 59, Chapter VIII of the Model Law applies to orders by an arbitral tribunal made under Article 17 of the Model Law requiring a party -

(a) to take an interim measure of protection; or

(b) to provide security in connection with such a measure; as if any reference in that Chapter to an arbitral award or an award were a reference to such an order.

63. (1) Unless the parties to an arbitration agreement falling under this Part of this Act have otherwise agreed, when an arbitral tribunal determines to make an award for the payment of money (whether on a claim for a liquidated or an unliquidated amount), the tribunal may, subject to subarticle (2), include in the sum for which the award is made interest at such a reasonable rate as the tribunal may determine on the whole or any part of the money, and for the whole or any part of the period between the date on which the cause of action arose, and the date on which the award is made.

(2) Subarticle (1) does not -

(a) authorise the awarding of interest upon interest;

(b) apply in relation to any amount upon which interest is payable as of right whether by virtue of an agreement or otherwise; and

(c) affect the damages that may be recoverable as a result of a bill of exchange being dishonoured.

64. Unless the parties to an arbitration agreement falling under this Part of this Act have otherwise agreed, where an arbitral tribunal makes an award for the payment of money, the tribunal may direct that interest at such reasonable rate as the tribunal may determine, is payable, from the date referred

to in Article 31(3) of the Model Law or such later day as the tribunal specifies.

65. (1) Saving the provisions of article 79, unless the parties to an arbitration agreement falling under this Part of this Act have otherwise agreed, the arbitral tribunal shall fix the costs and fees of arbitration in the award in accordance with article 50, 51, 52 and 53 mutatis mutandis.
- (2) If no provision is made by an award with respect to the costs and fees of the arbitration, a party to the arbitration agreement may, within thirty days after receiving the award, apply to the arbitral tribunal for directions as to the payment of the said costs and fees, and thereupon the tribunal shall, after hearing any party who wishes to be heard, amend the award in accordance with article 65(1).

66. Article 20(5) applies to any arbitrator involved in arbitrations held under this Part of this Act.

67. With the agreement of the parties or at the request of a party, as the case may be, where the arbitral tribunal, in accordance with the Model Law, holds oral hearings or proceedings on the basis of documents or other materials, article 18 shall, without prejudice to the Model Law, apply.

68. This Part does not apply in relation to an international commercial arbitration between parties to an arbitration agreement that was concluded before the commencement of this Part of this Act unless the parties have otherwise agreed.