

## Category B: the 40-Day Falcon Chambers Arbitration Directions

### Preamble:

These Directions are suitable for adoption where:

- (a) the formulation of the issues has been agreed;
- (b) the relevant documents have been agreed, and comprise no more than three lever arch files (up to 350 single-sided pages each);
- (c) any oral evidence is limited to fact, and is either agreed, or will take no longer than one day to be examined at a hearing.

### Directions

- 1 All the documents that are necessary for the Arbitrator to decide the matters in dispute, including the parties' submissions, shall be set out in a bundle ("the Bundle") comprising no more than 3 lever arch files of up to 350 single-sided pages each, which shall be delivered to the Falcon Chambers Arbitration Clerk at the same time as the Agreement appointing the Arbitrator.
- 2 If, upon receipt of the Bundle, the Arbitrator forms the view (whether because of the complexity or value of the dispute or otherwise) that the dispute is not suitable for resolution using the Falcon Chambers 40 Day Arbitration, the parties shall be informed accordingly, and the Arbitration shall proceed no further, unless the parties or the Arbitrator agree that it shall continue in accordance with other directions to be agreed between them.
- 3 Unless otherwise agreed between the parties:
  - (a) the Arbitrator shall not be required to apply the rules of evidence;
  - (b) the Arbitrator may call on either party to produce documents other than those voluntarily disclosed, where, having regard to the matters in dispute, this appears to be necessary for the resolution of the dispute.
  - (c) the Arbitrator may call for a hearing. In default of agreement the Arbitrator will decide the date, time and venue of the hearing. It shall be the parties' obligation to book and pay for the venue.
- 4 Any communications between a party and the Arbitrator shall be by email, and shall be copied to the other party. Emails to the Arbitrator shall be sent to [clerk@falcon-chambersarbitration.com](mailto:clerk@falcon-chambersarbitration.com).
- 5 If any hearing is to be held, it shall take place within 20 working days of receipt of the Bundle by the Arbitrator, and shall take no longer than one day (to include any evidence and oral submissions).
- 6 The Arbitrator shall use reasonable endeavours within 40 working days of receipt of the Bundle or 20 working days of the hearing (whichever is the later) to write a reasoned Award dealing with the matters in dispute.

- 7 The Falcon Chambers Arbitration Clerk shall notify the parties when the Award is ready, and it shall be sent to the parties by email once the Arbitrator's Fee of £6,000 plus VAT has been received by the Falcon Chambers Arbitration Clerk.
- 8 If the parties have agreed that the Arbitrator should determine which party shall be liable for the costs of the Arbitration, then within 10 working days of receipt of the Award, the parties shall send submissions in respect of costs to the Falcon Chambers Arbitration Clerk.
- 9 The parties shall jointly meet the Arbitrator's fee in the giving of the Award on the question of costs ("the Costs Award") in a further sum of £600 ("the Costs Fee").
- 10 The Arbitrator shall inform the parties by email addressed to their Representatives as above when the Costs Award is available, and the Costs Award shall be sent to the parties upon payment of the Costs Fee.
- 11 These directions may be amended by the Arbitrator on the application of either party, or as the Arbitrator sees fit.