

The International Commercial Arbitration Law - Cyprus

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The International Commercial Arbitration Law, 1987. No. 101 of 1987. A Law to Provide for International Arbitration in Commercial Matters and for Matters Connected Therewith The International Commercial Arbitration Law, 1987. No. 101 of 1987. A Law to Provide for International Arbitration in Commercial Matters and for Matters Connected Therewith(Excerpts) 29 May 1987

Note(*)

Part I. General Provisions ➡

The House of Representatives enacts as follows:

1.SHORT TITLE ➡

This Law may be cited as the International Commercial Arbitration Law, 1987.

2.INTERPRETATION ➡

1. In this Law, unless the context otherwise requires - “arbitration” means any arbitration whether or not administered by a permanent arbitral institution;
 - “arbitral tribunal” means a sole arbitrator or a panel of arbitrators;
 - “Court” means the competent District Court or a Judge thereof;
 - “parties to the agreement” or “parties” means the parties which have concluded the arbitration agreement.
2. “International” is an arbitration if:
 - a. the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or
 - b. one of the following places is situated outside the State in which the parties have their places of business:
 - i. the place of arbitration if determined in, or pursuant to, the arbitration agreement;
 - ii. any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or

- c. the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.
3. If a party has more than one place of business, the place of business for the purposes of subsection (2) is that which has the closest relationship to the arbitration agreement; and if a party does not have a place of business, reference is made to his habitual residence.
4. "Commercial" is an arbitration if it refers to matters arising from relationships of a commercial nature, whether contractual or not.
5. The term "relationships of a commercial nature" includes, but is not limited to, the following transactions: any trade transaction for the supply or exchange of goods or services; distribution agreement; commercial representation or agency; leasing; construction of works; consulting; engineering; licensing; investment; financing; banking; insurance; exploitation agreement or concession; joint venture and other forms of industrial or business co-operation; carriage of goods or passengers by air, sea, rail or road.
6. Where a provision of this Law, except section 28, leaves the parties free to determine a certain issue, such freedom includes the right of the parties to authorize a third party, whether an individual or body corporate, including an arbitral institution, to make that determination;
7. Where a provision of this Law refers to the fact that the parties have agreed or that they may agree or in any other way refers to an agreement of the parties, such agreement includes any arbitration rules referred to in that agreement;
8. Where a provision of this Law, other than in sections 25(a) and 32(2)(a), refers to a claim, it also applies to a counter-claim, and where it refers to a defence, it also applies to a defence to such counter-claim.

3.SCOPE OF APPLICATION ➡

1. This Law shall apply exclusively to international commercial arbitration subject to any bilateral or multilateral agreement in force in the Republic of Cyprus.
2. The provisions of this Law, except sections 8, 9, 35 and 36, apply only if the place of arbitration is in the territory of the Republic of Cyprus.
3. The provisions of this Law shall in no way affect any other Laws by virtue of which certain disputes may not be submitted to arbitration or the Arbitration Law, which shall continue to be in force in relation to arbitration of disputes not falling under the provisions of this Law.

4.RECEIPT OF WRITTEN COMMUNICATIONS ➡

1. Unless otherwise agreed by the parties:
 - a. any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address; if none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last-known place of business, habitual residence or mailing address by registered letter or any other means which provides a record of an attempt to deliver it;
 - b. the communication is deemed to have been received on the day it is so delivered.
2. The provisions of this section shall apply in relation to communications relating to arbitration proceedings and shall not apply to communications in Court proceedings.

5.WAIVER OF RIGHT TO OBJECT ➡

A party who knows that any provision of this Law from which the parties may derogate or any requirement under the arbitration agreement has not been complied with and yet proceeds with the arbitration without stating his objection to such non-compliance without undue delay or, if a time-limit is provided therefor, within such period of time, shall be deemed to have waived his right to object.

6. EXTENT OF COURT INTERVENTION ➔

In matters governed by this Law, no Court shall intervene except where so provided in this Law.

(...)

Part V. Conduct of the Arbitral Proceedings ➔

21. COMMENCEMENT OF ARBITRAL PROCEEDINGS ➔

1. Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.
2. Commencement of the arbitral proceedings shall cause suspension of the period of limitation in accordance with the provisions of the following sub-section.
3. The limitation period in relation to any claims which are referred to arbitration in accordance with the provisions of this Law shall be governed, subject to the provisions of this Law, by the provisions of sub-sections (1), (2), (5), (6) and (7) of section 24, of the Arbitration Law.
4. The words "is absent from the Republic" in the fifth line of section 8 of the Limitation of Actions Law shall not apply in the case of claims which are referred to arbitration in accordance with the provisions of this Law.
5. The Limitation of Actions (Suspension) Law shall not apply in relation to claims which are referred to arbitration in accordance with the provisions of this Law.
6. (...)