

THE CHARTERED INSTITUTE OF ARBITRATORS

Irish Branch

NEWSLETTER

Issue No. 2, October 1997

INTERNATIONAL ARBITRATION

The success of the International Financial Services Centre has created a landmark of success transforming disused Dublin dockland into a vibrant centre of excellence. The same urban renewal legislation has transformed the quay-side of the capital with new commercial, office and residential accommodation.

Behind the old Law Library at Church Street, having already built a substantial extension on the Maguire and Patterson site, the Bar Council are about to complete a second on the Irish Distillery site which will be centre around a purpose-built arbitration centre.

The International Court of Arbitration in Paris have appointed members of the Branch as chairpersons of arbitral tribunals in significant international references. Moreover, the International Court plans to hold a Moot Court in international arbitration next February.

The Chairman of the Branch, Roderick Murphy S.C., who, since January of this year has been alternate to David Byrne S.C., now Attorney General, Irish Member of that Court. The term of the appointment is until the end of the decade.

Arbitration (International Commercial) Bill, 1997

It is significant that the Bill, published on 2nd October last, incorporates all of the clauses of the Draft prepared by the Branch's Legislative sub-committee and presented to the then Minister for Equality and Law Reform late last year.

Section (9), in the absence of agreement by the parties empowers the arbitral tribunal to award simple or compound interest as it considers meets the justice of the case on awards or parts thereof. Moreover section (16) amends section 34 of the 1954 Act (remember *McStay v. Assicurazioni Generali* and *Peter Maguire ILRM (1991) 237*).

Section (10) deals with costs.

Restriction on Liability of Arbitrators is covered in section (11).

The Bill provides at section (8) for **Consolidated and Concurrent Hearings** and provides that the arbitral tribunal has no power to do so unless the parties agree to confer such power.

The **Enforceability and Effect of the Award** is clarified in section (13).

Bernard Gogarty, the Chairman of the Legislative Sub-Committee (Fax: 041 35194) would like to hear comments from members.

See enclosed details of forthcoming seminar on the Bill.

UCD DIPLOMA IN ARBITRATION: Saturday Seminars

The Diploma Course commenced on Thursday 23rd September 1997 with some thirty six participants. The Assistant Dean of the Law Faculty, Brian Hutchinson, BCL LLM DipArbLaw ACI Arb and our past Chairman Ercus Stewart DipIntArbLaw SC provide the core lectures. Seminars are provided by the Irish Branch on every second Saturday. Members may attend, subject to seating, at a charge of £10 at the Law Faculty, Roebuck Castle at the UCD Belfield Campus. Papers will be published in due course.

The seminar series was opened by Roderick Murphy SC, the Chairman of the Irish Branch, on October 4, 1997. The seminar addressed the topic of **Vendor and Purchaser Arbitration - The Resolution of Disputes Relating to Purchase of Land under the Incorporated Law Society Conditions of Sale** and considered by way of case study the arbitration award and subsequent litigation in case of *Geraghty v. Buckley and Rohan Industrial Estates Ltd* (1988) IR 419.

The second seminar on **Arbitrability of Awards in the context of Intellectual Property** was delivered by James Bridgeman on Saturday 18th October. Forthcoming seminars are:

Bernard Gogarty	1.11.1997	Arbitration Awards
John O'Reilly & Michael O'Reilly	29.11.1997	Construction Contract Arbitration
Sean McDermott	13.12.1997	Property Arbitration

During such term it is planned to build the groundwork for international arbitration in Ireland by developing and fostering domestic arbitration, by training members of the Institute in international aspects of dispute resolution. University College Dublin have agreed to run a Diploma in International Arbitration later this year (as well as the Diploma in Arbitration which commenced in September).

COURSES

Special Fellowship Course - 24 - 26 October, 1997.

Entry Course for Associate Membership - 7 - 9 November, 1997.

ANNUAL DINNER

Date: 5 December, 1997 **Venue:** Kings Inns, Dublin 7. **Tickets:** IR£40 (Black Tie)

Dr. Robert Briner, President ICA, Paris is expected to attend as Guest.

Places are, as in past years, limited so early booking is advisable.

LONDON

The Institute is currently reviewing the representation and role of Branches. One area of review is the suggestion that the Institute should encourage overseas Branches to grow into independent national institutions affiliated to the Chartered Institute.

Bernard Gogarty would welcome comments.

REMINDER TO MEMBERS

The Committee would appreciate if all members would inform Geraldine Cosgrove (preferably by fax: 01 6627891) of their current addresses, primary profession, telephone/fax numbers and, if applicable, e-mail addresses so as to promote members as arbitrators and to facilitate communications between members and the Committee.

MEMBERSHIP DETAILS

Personal: _____

Surname: _____

Address 1: _____

Address 2: _____

Address 3: _____

Address 4: _____

Address 5: _____

Telephone: _____ **Fax:** _____ **E-Mail:** _____

Primary Profession: _____

Other Profession(s): _____

**Academic and Professional
Qualifications:** _____

(e.g. B.A., F.R.I.C.S., etc.) _____
