

Guidelines on Procedure under the LMAA Terms 2021

In order to control the spiralling delays and costs that can occur during the course of arbitration references, LMAA arbitrators will, unless the parties specifically agree otherwise, apply the following procedural rules in all but exceptional cases.

Paragraph 11 of the Second Schedule of the LMAA Terms 2021

To avoid uncertainty and minimise delay after LMAA Questionnaires have been exchanged, the tribunal will allow the parties 21 days from the date of such exchange to agree the future procedural course of the reference or make appropriate submissions to the tribunal in relation thereto, failing which the tribunal will make such directions as it considers appropriate on the basis of the Questionnaires.

The Third Schedule of the LMAA Terms 2021 – the LMAA Questionnaire

The LMAA Questionnaire is an important document in the arbitration process. It provides an opportunity for the parties to consider in detail the issues raised in the submissions that have been exchanged and, consequently, the most appropriate way of progressing the case to its conclusion. To gain the maximum benefit from the LMAA Questionnaire the following requirements for its completion should be noted:

- (i) Where more than one question is raised in any section of the Questionnaire separate responses must be provided for each question (for example, 4 separate responses shall be provided to Question 9).
- (ii) When responding to Question 13 it should be stated whether it is considered necessary for all witnesses of fact and experts to give evidence in person at the hearing or by video, or other similar, link.
- (iii) When responding to Question 15(a) a breakdown of the figures must be provided identifying individually, among other things, the fees of solicitors/consultants (and number of each it is anticipated will be required), counsel (specifying whether senior or junior) and experts, including the charge-out rates applied by each.