



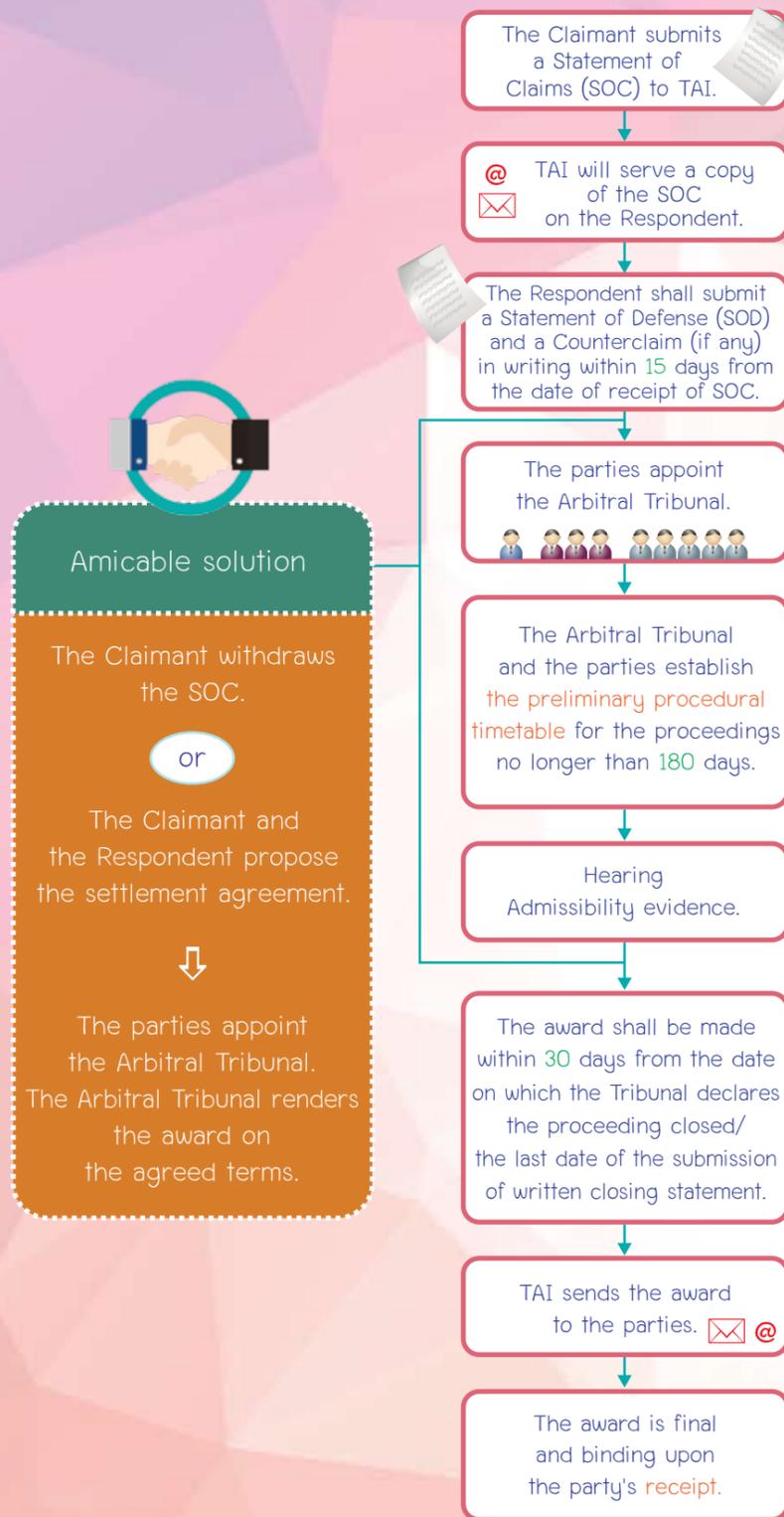
How many arbitrators are on the arbitral tribunal?

The number of arbitrators constituting the arbitral tribunal depends on the agreement of the parties. It also depends upon the nature and cost of the dispute. For a less-complex dispute, the parties may agree on a sole arbitrator as it may allow for more economical and flexible proceedings. In more complicated and costly disputes, the parties may appoint three or more arbitrators, depending upon the complexity and number of terms of reference submitted to the arbitral tribunal to jointly render the award.

Language and place of the arbitration proceedings

If the parties reside or conduct business in separate provinces or countries, they may agree on the place of arbitration and the language(s) to be used in the arbitral proceedings, whether Chinese, English, Thai, or another language. In the absence of such an agreement, the place and language(s) mentioned above shall be determined by the arbitral tribunal pursuant to the Arbitration Act B.E. 2545, sections 26 and 28.

Step in Arbitration Proceedings



Amicable solution

The Claimant withdraws the SOC.

or

The Claimant and the Respondent propose the settlement agreement.

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The parties appoint the Arbitral Tribunal. The Arbitral Tribunal renders the award on the agreed terms.



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THAI ARBITRATION INSTITUTE (TAI)
OFFICE OF THE JUDICIARY

Administering Excellence and Due Process



What is arbitration?

Arbitration is one alternative way of dispute resolution in which a dispute is submitted, by the agreement of both parties, to one or more persons called arbitrator(s), who will make a final and binding decision thereon.

What sort of disputes can be resolved by arbitration?

Disputes arising out of or in connection with civil and commercial matters can be resolved by arbitration. Examples include any transaction or contract regarding the sale of goods, leasing, construction work, insurance, carriage of goods, business partnerships and corporate affairs, franchising, trademark licensing, and so on.

What are the advantages of arbitration ?

The arbitration procedure is driven by 'party autonomy'; it can be customized in accordance with the parties' mutual agreement and thus offers speed and flexibility. The hearing process is kept private in order to protect confidentiality as well as the reputations of all involved. Moreover, the parties can select arbitrators with specific expertise to resolve their dispute. Also, the award can be enforced under both domestic and international frameworks.

Thai Arbitration Institute of the Office of the Judiciary

The Thai Arbitration Institute (TAI) was originally named the Arbitration Office when established in 1990. The TAI is an intermediary in fostering and promoting arbitral proceedings in Thailand, providing legal consultation to both public and private sectors. The TAI monitors its Arbitration Rules to comply with and be enforceable under the law. It also maintains an updated roster of qualified experts from various professions who are available to serve as arbitrators. In addition, the TAI stays up to date on developments related to treaties, conventions, and international agreements in which Thailand is a member.

For over 25 years, the TAI of the Office of the Judiciary has been trusted for its reputation, neutrality and efficiency in shepherding the parties successfully through the arbitration process and assisting the arbitral tribunal in carrying out proceedings with convenience, effectiveness, and legitimacy.

The TAI offers a wide range of facilities for arbitral proceedings, such as conference rooms, hearing process rooms, digital recording devices, and so forth. In addition, our experienced legal officers help coordinate between the arbitrators and the parties, and facilitate throughout the proceedings to ensure that the final award is enforceable.



Standard Arbitration Clause of the Thai Arbitration Institute (TAI)

If the parties are willing to entitle the TAI to administer the arbitral proceedings, they may include the following arbitration clause in their main contract or separate arbitration agreement as follows:

“Any dispute, controversy or claim arising out of or relating to this contract or the breach, termination or validity thereof, shall be settled by arbitration in accordance with the Arbitration Rules of the Thai Arbitration Institute, Office of the Judiciary, applicable at the time of submission of dispute to arbitration, and the conduct of arbitration thereof shall be under the auspices of the Thai Arbitration Institute.”

