

Thai Arbitration Institute Introduces New Expedited Procedure

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Introduction

The Thai Arbitration Institute ("**TAI**") is one of the most prominent arbitral institutions in Thailand. On 1 October 2021, amendments to its arbitration rules came into effect, providing for an expedited arbitration procedure ("**expedited procedure**") in circumstances where:

1. the parties to the dispute mutually agree to use the expedited procedure; or
2. where the relevant arbitration agreement has been entered into after 30 September 2021 – the amount in dispute does not exceed Baht 5 million, and one of the parties to the dispute files a request to use the expedited procedure.

In this Article, we discuss and comment on the key features of the expedited procedure, namely (i) appointing a sole arbitrator; (ii) allowing for documents-only arbitrations; and (iii) shortening the timeframes for the close of proceedings and the issuing of the award.

Contribution Note: This article was written with contributions from Supawadee Vajasit (Associate) from R&T Asia (Thailand) Limited.

Key Features

(A) Appointment of sole arbitrator

Under the expedited procedure, a sole arbitrator will be appointed by TAI unless TAI considers that more than one arbitrator is necessary, having regard to the circumstances of the case.

(B) Documents-only arbitration

After consulting with the parties, the arbitral tribunal may decide that the dispute can be adjudicated on the basis of documentary evidence and written submissions unless the tribunal is of the opinion that oral hearings should be conducted for the examination of any witnesses or expert witnesses.

(C) Shortened timeframes

The tribunal must close the proceedings within 60 days from the date of its appointment, except when an extension of time is granted by TAI in the case of extreme necessity or where there is reasonable cause.

The award is required to be rendered within 15 days from the date on which the proceeding is declared closed or, in the case where there is no oral hearing, from the due date for the filing of written submissions. The arbitral tribunal is entitled to request for an extension of time for rendering its award in the case where there is necessary cause. The award may either state the reasons for the tribunal's decision in summary form, or omit such reasons entirely if the parties so agree.

Concluding Remarks

It is hoped that the introduction of the expedited procedure will result in the economical and expeditious disposal of non-complex cases. Nevertheless, it remains to be seen whether the expedited procedure under the TAI rules will be utilised, considering that the TAI Rules do not provide the parties with any right to nominate or have any say in the appointment of the tribunal. Moreover, it also appears that the tribunal is provided with the absolute discretion to decide to dispense with oral hearings, as it is only obliged to consult with the parties. Third, the expeditious nature of the arbitration procedure may also be undermined by the vague concepts of "extreme necessity", "reasonable cause" and "necessary cause" which would entitle the TAI to grant an extension of time.

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