

<b>Rules</b>	<b>Constitution of the Arbitral Tribunal in case of Multiple Parties</b>
ICC Rules 2012	<p><b><u>Art. 12 – Constitution of the Arbitral Tribunal</u></b></p> <p>12.6 Where there are multiple claimants or multiple respondents, and where the dispute is to be referred to three arbitrators, the multiple claimants, jointly, and the multiple respondents, jointly, shall nominate an arbitrator for confirmation pursuant to Article 13.</p> <p>12.7 Where an additional party has been joined, and where the dispute is to be referred to three arbitrators, the additional party may, jointly with the claimant(s) or with the respondent(s), nominate an arbitrator for confirmation pursuant to Article 13.</p> <p>12.8 In the absence of a joint nomination pursuant to Articles 12(6) or 12(7) and where all parties are unable to agree to a method for the constitution of the arbitral tribunal, the Court may appoint each member of the arbitral tribunal and shall designate one of them to act as president. In such case, the Court shall be at liberty to choose any person it regards as suitable to act as arbitrator, applying Article 13 when it considers this appropriate.</p>
LCIA Rules 2014	<p><b><u>Art. 8 – Three or More Parties</u></b></p> <p>8.1 Where the Arbitration Agreement entitles each party howsoever to nominate an arbitrator, the parties to the dispute number more than two and such parties have not all agreed in writing that the disputant parties represent collectively two separate “sides” for the formation of the Arbitral Tribunal (as Claimants on one side and Respondents on the other side, each side nominating a single arbitrator), the LCIA Court shall appoint the Arbitral Tribunal without regard to any party's entitlement or nomination.</p> <p>8.2 In such circumstances, the Arbitration Agreement shall be treated for all purposes as a written agreement by the parties for the nomination and appointment of the Arbitral Tribunal by the LCIA Court alone.</p>
AAA/ICDR Rules 2014	<p><b><u>Art. 12 – Appointment of Arbitrators</u></b></p> <p>12.5 If there are more than two parties to the arbitration, the Administrator may appoint all arbitrators unless the parties have agreed otherwise no later than 45 days after the commencement of the arbitration.</p>
HKIAC Rules 2013	<p><b><u>Art. 8 – Appointment of Three Arbitrators</u></b></p> <p>8.2 Where there are more than two parties to the arbitration and the dispute is to be referred to three arbitrators, the arbitral tribunal shall be constituted as follows unless the parties have agreed otherwise:</p> <ol style="list-style-type: none"> <li>a. the Claimant or group of Claimants shall designate an arbitrator and the Respondent or group of Respondents shall designate an arbitrator</li> </ol>

	<p>in accordance with the procedure in Article 8.1(a) or (b), as applicable;</p> <p>b. if the parties have designated arbitrators in accordance with Article 8.2(a), the procedure in Article 8.1(c) shall apply to the designation of the presiding arbitrator;</p> <p>c. In the event of any failure to designate arbitrators under Article 8.2(a) or if the parties do not all agree in writing that they represent two separate sides (as Claimant(s) and Respondent(s) respectively) for the purposes of designating arbitrators, HKIAC may appoint all members of the arbitral tribunal without regard to any party's designation.</p>
<p>SIAC 2016</p> <p>Rules</p>	<p><b><u>Rule 12 – Multi-party Appointment of Arbitrator(s)</u></b></p> <p>12.1 Where there are more than two parties to the arbitration, and a sole arbitrator is to be appointed, the parties may agree to jointly nominate the sole arbitrator. In the absence of such joint nomination having been made within 28 days of the date of commencement of the arbitration or within the period otherwise agreed by the parties or set by the Registrar, the President shall appoint the sole arbitrator.</p> <p>12.2 Where there are more than two parties to the arbitration, and three arbitrators are to be appointed, the Claimant(s) shall jointly nominate one arbitrator and the Respondent(s) shall jointly nominate one arbitrator. The third arbitrator, who shall be the presiding arbitrator, shall be appointed in accordance with Rule 11.3. In the absence of both such joint nominations having been made within 28 days of the date of commencement of the arbitration or within the period otherwise agreed by the parties or set by the Registrar, the President shall appoint all three arbitrators and shall designate one of them to be the presiding arbitrator.</p>

Rules	Joinder of Parties
ICC Rules 2012	<p data-bbox="427 309 903 338"><b><u>Art. 7 – Joinder of Additional Parties</u></b></p> <p data-bbox="427 367 1398 712">7.1 A party wishing to join an additional party to the arbitration shall submit its request for arbitration against the additional party (the “Request for Joinder”) to the Secretariat. The date on which the Request for Joinder is received by the Secretariat shall, for all purposes, be deemed to be the date of the commencement of arbitration against the additional party. Any such joinder shall be subject to the provisions of Articles 6(3)-6(7) and 9. No additional party may be joined after the confirmation or appointment of any arbitrator, unless all parties, including the additional party, otherwise agree. The Secretariat may fix a time limit for the submission of a Request for Joinder.</p> <p data-bbox="427 730 1398 1088">7.2 The Request for Joinder shall contain the following information:</p> <ul style="list-style-type: none"> <li data-bbox="517 781 1091 810">a. the case reference of the existing arbitration;</li> <li data-bbox="517 819 1398 891">b. the name in full, description, address and other contact details of each of the parties, including the additional party; and</li> <li data-bbox="517 900 1398 972">c. the information specified in Article 4(3) subparagraphs c), d), e) and f).</li> </ul> <p data-bbox="564 981 1398 1088">The party filing the Request for Joinder may submit therewith such other documents or information as it considers appropriate or as may contribute to the efficient resolution of the dispute.</p> <p data-bbox="427 1115 1398 1182">7.3 The provisions of Articles 4(4) and 4(5) shall apply, mutatis mutandis, to the Request for Joinder.</p> <p data-bbox="427 1209 1398 1357">7.4 The additional party shall submit an Answer in accordance, mutatis mutandis, with the provisions of Articles 5(1)-5(4). The additional party may make claims against any other party in accordance with the provisions of Article 8.</p> <p data-bbox="427 1451 991 1480"><b><u>Art. 6 – Effect of the Arbitration Agreement</u></b></p> <p data-bbox="427 1507 1398 1816">6.3 If any party against which a claim has been made does not submit an Answer, or if any party raises one or more pleas concerning the existence, validity or scope of the arbitration agreement or concerning whether all of the claims made in the arbitration may be determined together in a single arbitration, the arbitration shall proceed and any question of jurisdiction or of whether the claims may be determined together in that arbitration shall be decided directly by the arbitral tribunal, unless the Secretary General refers the matter to the Court for its decision pursuant to Article 6(4).</p> <p data-bbox="427 1843 1398 1991">6.4 In all cases referred to the Court under Article 6(3), the Court shall decide whether and to what extent the arbitration shall proceed. The arbitration shall proceed if and to the extent that the Court is prima facie satisfied that an arbitration agreement under the Rules may exist. In particular:</p> <ul style="list-style-type: none"> <li data-bbox="501 2009 1398 2033">i. where there are more than two parties to the arbitration, the</li> </ul>

	<p>arbitration shall proceed between those of the parties, including any additional parties joined pursuant to Article 7, with respect to which the Court is prima facie satisfied that an arbitration agreement under the Rules that binds them all may exist; and</p> <p>ii. where claims pursuant to Article 9 are made under more than one arbitration agreement, the arbitration shall proceed as to those claims with respect to which the Court is prima facie satisfied (a) that the arbitration agreements under which those claims are made may be compatible, and (b) that all parties to the arbitration may have agreed that those claims can be determined together in a single arbitration.</p> <p>The Court’s decision pursuant to Article 6(4) is without prejudice to the admissibility or merits of any party’s plea or pleas.</p> <p>6.5 In all matters decided by the Court under Article 6(4), any decision as to the jurisdiction of the arbitral tribunal, except as to parties or claims with respect to which the Court decides that the arbitration cannot proceed, shall then be taken by the arbitral tribunal itself.</p> <p>6.6 Where the parties are notified of the Court’s decision pursuant to Article 6(4) that the arbitration cannot proceed in respect of some or all of them, any party retains the right to ask any court having jurisdiction whether or not, and in respect of which of them, there is a binding arbitration agreement.</p> <p>6.7 Where the Court has decided pursuant to Article 6(4) that the arbitration cannot proceed in respect of any of the claims, such decision shall not prevent a party from reintroducing the same claim at a later date in other proceedings.</p>
<p>LCIA Rules 2014</p>	<p><b><u>Art. 22 – Additional Powers</u></b></p> <p>22.1 The Arbitral Tribunal shall have the power, upon the application of any party or (save for sub-paragraphs (viii), (ix) and (x) below) upon its own initiative, but in either case only after giving the parties a reasonable opportunity to state their views and upon such terms (as to costs and otherwise) as the Arbitral Tribunal may decide:</p> <p>viii. to allow one or more third persons to be joined in the arbitration as a party provided any such third person and the applicant party have consented to such joinder in writing following the Commencement Date or (if earlier) in the Arbitration Agreement; and thereafter to make a single final award, or separate awards, in respect of all parties so implicated in the arbitration.</p>
<p>AAA/ICDR Rules 2014</p>	<p><b><u>Art. 7 - Joinder</u></b></p> <p>7.1 A party wishing to join an additional party to the arbitration shall submit to the Administrator a Notice of Arbitration against the additional party. No additional party may be joined after the appointment of any arbitrator, unless all parties, including the additional party, otherwise agree. The party wishing to join the additional party shall, at that same time, submit the Notice of Arbitration to</p>

	<p>the additional party and all other parties. The date on which such Notice of Arbitration is received by the Administrator shall be deemed to be the date of the commencement of arbitration against the additional party. Any joinder shall be subject to the provisions of Articles 12 and 19.</p> <p>7.2 The request for joinder shall contain the same information required of a Notice of Arbitration under Article 2(3) and shall be accompanied by the appropriate filing fee.</p> <p>7.3 The additional party shall submit an Answer in accordance with the provisions of Article 3.</p> <p>7.4 The additional party may make claims, counterclaims, or assert setoffs against any other party in accordance with the provisions of Article 3.</p>
<p>HKIAC Rules 2013</p>	<p><b><u>Art. 27 – Joinder of Additional Parties</u></b></p> <p>27.1 The arbitral tribunal shall have the power to allow an additional party to be joined to the arbitration provided that, prima facie, the additional party is bound by an arbitration agreement under these Rules giving rise to the arbitration, including any arbitration under Article 28 or 29.</p> <p>27.2 The arbitral tribunal’s decision pursuant to Article 27.1 is without prejudice to its power to subsequently decide any question as to its jurisdiction arising from such decision.</p> <p>27.3 A party wishing to join an additional party to the arbitration shall submit a Request for Joinder to HKIAC. HKIAC may fix a time limit for the submission of a Request for Joinder.</p> <p>27.4 The Request for Joinder shall include the following:</p> <ol style="list-style-type: none"> <li>a. the case reference of the existing arbitration;</li> <li>b. the names and addresses, telephone numbers, and email addresses of each of the parties, including the additional party;</li> <li>c. a request that the additional party be joined to the arbitration;</li> <li>d. a reference to the contract(s) or other legal instrument(s) out of or in relation to which the request arises;</li> <li>e. a statement of the facts supporting the request;</li> <li>f. the points at issue;</li> <li>g. the legal arguments supporting the request;</li> <li>h. the relief or remedy sought; and</li> <li>i. confirmation that copies of the Request for Joinder and any exhibits included therewith have been or are being served simultaneously on all other parties and the arbitral tribunal, where applicable, by one or more means of service to be identified in such confirmation. A copy of the contract(s), and of the arbitration agreement(s) if not contained in the contract(s), shall be annexed to the Request for Joinder.</li> </ol> <p>27.5 Within 15 days of receiving the Request for Joinder, the additional party</p>

shall submit to HKIAC an Answer to the Request for Joinder. The Answer to the Request for Joinder shall include the following:

- a. the name, address, telephone and fax numbers, and email address of the additional party and its counsel (if different from the description contained in the Request for Joinder);
- b. any plea that the arbitral tribunal has been improperly constituted and/or lacks jurisdiction over the additional party;
- c. the additional party's comments on the particulars set forth in the Request for Joinder, pursuant to Article 27.4(a) to (g);
- d. the additional party's answer to the relief or remedy sought in the Request for Joinder, pursuant to Article 27.4(h);
- e. details of any claims by the additional party against any other party to the arbitration; and
- f. confirmation that copies of the Answer to the Request for Joinder and any exhibits included therewith have been or are being served simultaneously on all other parties and the arbitral tribunal, where applicable, by one or more means of service to be identified in such confirmation.

27.6 A third party wishing to be joined as an additional party to the arbitration shall submit a Request for Joinder to HKIAC. The provisions of Article 27.4 shall apply to such Request for Joinder.

27.7 Within 15 days of receiving a Request for Joinder pursuant to Article 27.3 or 27.6, the parties shall submit their comments on the Request for Joinder to HKIAC. Such comments may include (without limitation) the following particulars: (a) any plea that the arbitral tribunal lacks jurisdiction over the additional party; (b) comments on the particulars set forth in the Request for Joinder, pursuant to Article 27.4(a) to (g); (c) answer to the relief or remedy sought in the Request for Joinder, pursuant to Article 27.4(h); (d) details of any claims against the additional party; and (e) confirmation that copies of the comments have been or are being served simultaneously on all other parties and the arbitral tribunal, where applicable, by one or more means of service to be identified in such confirmation.

27.8 Where HKIAC receives a Request for Joinder before the date on which the arbitral tribunal is confirmed, HKIAC may decide whether, prima facie, the additional party is bound by an arbitration agreement under these Rules giving rise to the arbitration, including any arbitration under Article 28 or 29. If so, HKIAC may join the additional party to the arbitration. Any question as to the jurisdiction of the arbitral tribunal arising from HKIAC's decision under this Article 27.8 shall be decided by the arbitral tribunal once confirmed, pursuant to Article 19.1.

27.9 HKIAC's decision pursuant to Article 27.8 is without prejudice to the admissibility or merits of any party's pleas.

27.10 Where an additional party is joined to the arbitration, the date on which the

	<p>Request for Joinder is received by HKIAC shall be deemed to be the date on which the arbitration in respect of the additional party commences.</p> <p>27.11 Where an additional party is joined to the arbitration before the date on which the arbitral tribunal is confirmed, all parties to the arbitration shall be deemed to have waived their right to designate an arbitrator, and HKIAC may revoke the appointment of any arbitrators already designated or confirmed. In these circumstances, HKIAC shall appoint the arbitral tribunal.</p> <p>27.12 The revocation of the appointment of an arbitrator under Article 27.11 is without prejudice to:</p> <ul style="list-style-type: none"> <li>a. the validity of any act done or order made by that arbitrator before his or her appointment was revoked; and</li> <li>b. his or her entitlement to be paid his or her fees and expenses subject to Schedule 2 or 3 as applicable.</li> </ul> <p>27.13 The parties waive any objection, on the basis of any decision to join an additional party to the arbitration, to the validity and/or enforcement of any award made by the arbitral tribunal in the arbitration, in so far as such waiver can validly be made.</p> <p>27.14 HKIAC may adjust its Administrative Fees and the arbitral tribunal's fees (where appropriate) after a Request for Joinder has been submitted.</p>
<p>SIAC 2016</p> <p>Rules</p>	<p><b><u>Rule 7 – Joinder of Additional Parties</u></b></p> <p>7.1 Prior to the constitution of the Tribunal, a party or non-party to the arbitration may file an application with the Registrar for one or more additional parties to be joined in an arbitration pending under these Rules as a Claimant or a Respondent, provided that any of the following criteria is satisfied:</p> <ul style="list-style-type: none"> <li>a. the additional party to be joined is prima facie bound by the arbitration agreement; or</li> <li>b. all parties, including the additional party to be joined, have consented to the joinder of the additional party.</li> </ul> <p>7.2 An application for joinder under Rule 7.1 shall include:</p> <ul style="list-style-type: none"> <li>a. the case reference number of the pending arbitration;</li> <li>b. the names, addresses, telephone numbers, facsimile numbers and electronic mail addresses, if known, of all parties, including the additional party to be joined, and their representatives, if any, and any arbitrators who have been nominated or appointed in the pending arbitration;</li> <li>c. whether the additional party is to be joined as a Claimant or a Respondent;</li> <li>d. the information specified in Rule 3.1(c) and Rule 3.1(d);</li> <li>e. if the application is being made under Rule 7.1(b), identification of the relevant agreement and, where possible, a copy of such</li> </ul>

- agreement; and
- f. a brief statement of the facts and legal basis supporting the application.

The application for joinder is deemed to be complete when all the requirements of this Rule 7.2 are fulfilled or when the Registrar determines that there has been substantial compliance with such requirements. SIAC shall notify all parties, including the additional party to be joined, when the application for joinder is complete.

7.3 The party or non-party applying for joinder under Rule 7.1 shall, at the same time as it files an application for joinder with the Registrar, send a copy of the application to all parties, including the additional party to be joined, and shall notify the Registrar that it has done so, specifying the mode of service employed and the date of service.

7.4 The Court shall, after considering the views of all parties, including the additional party to be joined, and having regard to the circumstances of the case, decide whether to grant, in whole or in part, any application for joinder under Rule 7.1. The Court's decision to grant an application for joinder under this Rule 7.4 is without prejudice to the Tribunal's power to subsequently decide any question as to its jurisdiction arising from such decision. The Court's decision to reject an application for joinder under this Rule 7.4, in whole or in part, is without prejudice to any party's or non-party's right to apply to the Tribunal for joinder pursuant to Rule 7.8.

7.5 Where an application for joinder is granted under Rule 7.4, the date of receipt of the complete application for joinder shall be deemed to be the date of commencement of the arbitration in respect of the additional party.

7.6 Where an application for joinder is granted under Rule 7.4, the Court may revoke the appointment of any arbitrators appointed prior to the decision on joinder. Unless otherwise agreed by all parties, including the additional party joined, Rule 9 to Rule 12 shall apply as appropriate, and the respective timelines thereunder shall run from the date of receipt of the Court's decision under Rule 7.4.

7.7 The Court's decision to revoke the appointment of any arbitrator under Rule 7.6 is without prejudice to the validity of any act done or order or Award made by the arbitrator before his appointment was revoked.

7.8 After the constitution of the Tribunal, a party or non-party to the arbitration may apply to the Tribunal for one or more additional parties to be joined in an arbitration pending under these Rules as a Claimant or a Respondent, provided that any of the following criteria is satisfied:

- a. the additional party to be joined is prima facie bound by the arbitration agreement; or
- b. all parties, including the additional party to be joined, have consented

to the joinder of the additional party.

Where appropriate, an application to the Tribunal under this Rule 7.8 may be filed with the Registrar.

7.9 Subject to any specific directions of the Tribunal, the provisions of Rule 7.2 shall apply, mutatis mutandis, to an application for joinder under Rule 7.8.

7.10 The Tribunal shall, after giving all parties, including the additional party to be joined, the opportunity to be heard, and having regard to the circumstances of the case, decide whether to grant, in whole or in part, any application for joinder under Rule 7.8. The Tribunal's decision to grant an application for joinder under this Rule 7.10 is without prejudice to its power to subsequently decide any question as to its jurisdiction arising from such decision.

7.11 Where an application for joinder is granted under Rule 7.10, the date of receipt by the Tribunal or the Registrar, as the case may be, of the complete application for joinder shall be deemed to be the date of commencement of the arbitration in respect of the additional party.

7.12 Where an application for joinder is granted under Rule 7.4 or Rule 7.10, any party who has not nominated an arbitrator or otherwise participated in the constitution of the Tribunal shall be deemed to have waived its right to nominate an arbitrator or otherwise participate in the constitution of the Tribunal, without prejudice to the right of such party to challenge an arbitrator pursuant to Rule 14.

7.13 Where an application for joinder is granted under Rule 7.4 or Rule 7.10, the requisite filing fee under these Rules shall be payable for any additional claims or counterclaims.

Rules	Consolidation
ICC Rules 2012	<p><b><u>Art. 10 – Consolidation of Arbitrations</u></b></p> <p>The Court may, at the request of a party, consolidate two or more arbitrations pending under the Rules into a single arbitration, where:</p> <ol style="list-style-type: none"> <li>a. the parties have agreed to consolidation; or</li> <li>b. all of the claims in the arbitrations are made under the same arbitration agreement; or</li> <li>c. where the claims in the arbitrations are made under more than one arbitration agreement, the arbitrations are between the same parties, the disputes in the arbitrations arise in connection with the same legal relationship, and the Court finds the arbitration agreements to be compatible.</li> </ol> <p>In deciding whether to consolidate, the Court may take into account any circumstances it considers to be relevant, including whether one or more arbitrators have been confirmed or appointed in more than one of the arbitrations and, if so, whether the same or different persons have been confirmed or appointed.</p> <p>When arbitrations are consolidated, they shall be consolidated into the arbitration that commenced first, unless otherwise agreed by all parties.</p>
LCIA Rules 2014	<p><b><u>Art. 22 – Additional Powers</u></b></p> <p>22.1 The Arbitral Tribunal shall have the power, upon the application of any party or (save for sub-paragraphs (viii), (ix) and (x) below) upon its own initiative, but in either case only after giving the parties a reasonable opportunity to state their views and upon such terms (as to costs and otherwise) as the Arbitral Tribunal may decide:</p> <ol style="list-style-type: none"> <li>ix. to order, with the approval of the LCIA Court, the consolidation of the arbitration with one or more other arbitrations into a single arbitration subject to the LCIA Rules where all the parties to the arbitrations to be consolidated so agree in writing;</li> <li>x. to order, with the approval of the LCIA Court, the consolidation of the arbitration with one or more other arbitrations subject to the LCIA Rules commenced under the same arbitration agreement or any compatible arbitration agreement(s) between the same disputing parties, provided that no arbitral tribunal has yet been formed by the LCIA Court for such other arbitration(s) or, if already formed, that such tribunal(s) is(are) composed of the same arbitrators</li> </ol>
AAA/ICDR Rules 2014	<p><b><u>Art. 8 – Consolidation</u></b></p> <p>8.1 At the request of a party, the Administrator may appoint a consolidation arbitrator, who will have the power to consolidate two or more arbitrations pending under these Rules, or these and other arbitration rules administered by</p>

the AAA or ICDR, into a single arbitration where:

- a. the parties have expressly agreed to consolidation; or
- b. all of the claims and counterclaims in the arbitrations are made under the same arbitration agreement; or
- c. the claims, counterclaims, or setoffs in the arbitrations are made under more than one arbitration agreement; the arbitrations involve the same parties; the disputes in the arbitrations arise in connection with the same legal relationship; and the consolidation arbitrator finds the arbitration agreements to be compatible.

8.2 A consolidation arbitrator shall be appointed as follows:

- a. The Administrator shall notify the parties in writing of its intention to appoint a consolidation arbitrator and invite the parties to agree upon a procedure for the appointment of a consolidation arbitrator.
- b. If the parties have not within 15 days of such notice agreed upon a procedure for appointment of a consolidation arbitrator, the Administrator shall appoint the consolidation arbitrator.
- c. Absent the agreement of all parties, the consolidation arbitrator shall not be an arbitrator who is appointed to any pending arbitration subject to potential consolidation under this Article.
- d. The provisions of Articles 13-15 of these Rules shall apply to the appointment of the consolidation arbitrator.

8.3 In deciding whether to consolidate, the consolidation arbitrator shall consult the parties and may consult the arbitral tribunal(s) and may take into account all relevant circumstances, including:

- a. applicable law;
- b. whether one or more arbitrators have been appointed in more than one of the arbitrations and, if so, whether the same or different persons have been appointed;
- c. the progress already made in the arbitrations;
- d. whether the arbitrations raise common issues of law and/or facts; and
- e. whether the consolidation of the arbitrations would serve the interests of justice and efficiency.

8.4 The consolidation arbitrator may order that any or all arbitrations subject to potential consolidation be stayed pending a ruling on a request for consolidation.

8.5 When arbitrations are consolidated, they shall be consolidated into the arbitration that commenced first, unless otherwise agreed by all parties or the consolidation arbitrator finds otherwise.

8.6 Where the consolidation arbitrator decides to consolidate an arbitration with one or more other arbitrations, each party in those arbitrations shall be deemed to have waived its right to appoint an arbitrator. The consolidation arbitrator may revoke the appointment of any arbitrators and may select one of the previously-appointed tribunals to serve in the consolidated proceeding. The Administrator shall, as necessary, complete the appointment of the tribunal in the

	<p>consolidated proceeding. Absent the agreement of all parties, the consolidation arbitrator shall not be appointed in the consolidated proceeding.</p> <p>8.7 The decision as to consolidation, which need not include a statement of reasons, shall be rendered within 15 days of the date for final submissions on consolidation.</p>
<p>HKIAC Rules 2013</p>	<p><b><u>Art. 28 – Consolidation of Arbitrations</u></b></p> <p>28.1 HKIAC shall have the power, at the request of a party (the “Request for Consolidation”) and after consulting with the parties and any confirmed arbitrators, to consolidate two or more arbitrations pending under these Rules where:</p> <ul style="list-style-type: none"> <li>a. the parties agree to consolidate; or</li> <li>b. all of the claims in the arbitrations are made under the same arbitration agreement; or</li> <li>c. the claims are made under more than one arbitration agreement, a common question of law or fact arises in both or all of the arbitrations, the rights to relief claimed are in respect of, or arise out of, the same transaction or series of transactions, and HKIAC finds the arbitration agreements to be compatible.</li> </ul> <p>28.2 The party making the request shall provide copies of the Request for Consolidation to all other parties and to any confirmed arbitrators.</p> <p>28.3 In deciding whether to consolidate, HKIAC shall take into account the circumstances of the case. Relevant factors may include, but are not limited to, whether one or more arbitrators have been designated or confirmed in more than one of the arbitrations, and if so, whether the same or different arbitrators have been confirmed.</p> <p>28.4 Where HKIAC decides to consolidate two or more arbitrations, the arbitrations shall be consolidated into the arbitration that commenced first, unless all parties agree or HKIAC decides otherwise taking into account the circumstances of the case. HKIAC shall provide copies of such decision to all parties and to any confirmed arbitrators in all arbitrations.</p> <p>28.5 The consolidation of two or more arbitrations is without prejudice to the validity of any act done or order made by a court in support of the relevant arbitration before it was consolidated.</p> <p>28.6 Where HKIAC decides to consolidate two or more arbitrations, the parties to all such arbitrations shall be deemed to have waived their right to designate an arbitrator, and HKIAC may revoke the appointment of any arbitrators already designated or confirmed. In these circumstances, HKIAC shall appoint the arbitral tribunal in respect of the consolidated proceedings.</p> <p>28.7 The revocation of the appointment of an arbitrator under Article 28.6 is without prejudice to:</p> <ul style="list-style-type: none"> <li>a. the validity of any act done or order made by that arbitrator before his or her appointment was revoked;</li> </ul>

	<ul style="list-style-type: none"> <li>b. his or her entitlement to be paid his or her fees and expenses subject to Schedule 2 or 3 as applicable; and</li> <li>c. the date when any claim or defence was raised for the purpose of applying any limitation bar or any similar rule or provision.</li> </ul> <p>28.8 The parties waive any objection, on the basis of HKIAC's decision to consolidate, to the validity and/or enforcement of any award made by the arbitral tribunal in the consolidated proceedings, in so far as such waiver can validly be made.</p> <p>28.9 HKIAC may adjust its Administrative Fees and the arbitral tribunal's fees (where appropriate) after a Request for Consolidation has been submitted.</p>
<p>SIAC 2016</p> <p>Rules</p>	<p><b><u>Rule 8 – Consolidation</u></b></p> <p>8.1 Prior to the constitution of any Tribunal in the arbitrations sought to be consolidated, a party may file an application with the Registrar to consolidate two or more arbitrations pending under these Rules into a single arbitration, provided that any of the following criteria is satisfied in respect of the arbitrations to be consolidated:</p> <ul style="list-style-type: none"> <li>a. all parties have agreed to the consolidation;</li> <li>b. all the claims in the arbitrations are made under the same arbitration agreement; or</li> <li>c. the arbitration agreements are compatible, and: (i) the disputes arise out of the same legal relationship(s); (ii) the disputes arise out of contracts consisting of a principal contract and its ancillary contract(s); or (iii) the disputes arise out of the same transaction or series of transactions.</li> </ul> <p>8.2 An application for consolidation under Rule 8.1 shall include:</p> <ul style="list-style-type: none"> <li>a. the case reference numbers of the arbitrations sought to be consolidated;</li> <li>b. the names, addresses, telephone numbers, facsimile numbers and electronic mail addresses, if known, of all parties and their representatives, if any, and any arbitrators who have been nominated or appointed in the arbitrations sought to be consolidated;</li> <li>c. the information specified in Rule 3.1(c) and Rule 3.1(d);</li> <li>d. if the application is being made under Rule 8.1(a), identification of the relevant agreement and, where possible, a copy of such agreement; and</li> <li>e. a brief statement of the facts and legal basis supporting the application.</li> </ul> <p>8.3 The party applying for consolidation under Rule 8.1 shall, at the same time as it files an application for consolidation with the Registrar, send a copy of the application to all parties and shall notify the Registrar that it has done so, specifying the mode of service employed and the date of service.</p>

8.4 The Court shall, after considering the views of all parties, and having regard to the circumstances of the case, decide whether to grant, in whole or in part, any application for consolidation under Rule 8.1. The Court's decision to grant an application for consolidation under this Rule 8.4 is without prejudice to the Tribunal's power to subsequently decide any question as to its jurisdiction arising from such decision. The Court's decision to reject an application for consolidation under this Rule 8.4, in whole or in part, is without prejudice to any party's right to apply to the Tribunal for consolidation pursuant to Rule 8.7. Any arbitrations that are not consolidated shall continue as separate arbitrations under these Rules.

8.5 Where the Court decides to consolidate two or more arbitrations under Rule 8.4, the arbitrations shall be consolidated into the arbitration that is deemed by the Registrar to have commenced first, unless otherwise agreed by all parties or the Court decides otherwise having regard to the circumstances of the case.

8.6 Where an application for consolidation is granted under Rule 8.4, the Court may revoke the appointment of any arbitrators appointed prior to the decision on consolidation. Unless otherwise agreed by all parties, Rule 9 to Rule 12 shall apply as appropriate, and the respective timelines thereunder shall run from the date of receipt of the Court's decision under Rule 8.4.

8.7 After the constitution of any Tribunal in the arbitrations sought to be consolidated, a party may apply to the Tribunal to consolidate two or more arbitrations pending under these Rules into a single arbitration, provided that any of the following criteria is satisfied in respect of the arbitrations to be consolidated:

- a. all parties have agreed to the consolidation;
- b. all the claims in the arbitrations are made under the same arbitration agreement, and the same Tribunal has been constituted in each of the arbitrations or no Tribunal has been constituted in the other arbitration(s); or
- c. the arbitration agreements are compatible, the same Tribunal has been constituted in each of the arbitrations or no Tribunal has been constituted in the other arbitration(s), and: (i) the disputes arise out of the same legal relationship(s); (ii) the disputes arise out of contracts consisting of a principal contract and its ancillary contract(s); or (iii) the disputes arise out of the same transaction or series of transactions.

8.8 Subject to any specific directions of the Tribunal, the provisions of Rule 8.2 shall apply, mutatis mutandis, to an application for consolidation under Rule 8.7.

8.9 The Tribunal shall, after giving all parties the opportunity to be heard, and having regard to the circumstances of the case, decide whether to grant, in whole or in part, any application for consolidation under Rule 8.7. The Tribunal's decision to grant an application for consolidation under this Rule 8.9 is without prejudice to its power to subsequently decide any question as to its jurisdiction

arising from such decision. Any arbitrations that are not consolidated shall continue as separate arbitrations under these Rules.

8.10 Where an application for consolidation is granted under Rule 8.9, the Court may revoke the appointment of any arbitrators appointed prior to the decision on consolidation.

8.11 The Court's decision to revoke the appointment of any arbitrator under Rule 8.6 or Rule 8.10 is without prejudice to the validity of any act done or order or Award made by the arbitrator before his appointment was revoked.

8.12 Where an application for consolidation is granted under Rule 8.4 or Rule 8.9, any party who has not nominated an arbitrator or otherwise participated in the constitution of the Tribunal shall be deemed to have waived its right to nominate an arbitrator or otherwise participate in the constitution of the Tribunal, without prejudice to the right of such party to challenge an arbitrator pursuant to Rule 14.

<b>Rules</b>	<b>Multi-Contract Arbitration</b>
ICC Rules 2012	<p><b><u>Art. 9 – Multiple Contracts</u></b></p> <p>Subject to the provisions of Articles 6(3)-6(7) and 23(4), claims arising out of or in connection with more than one contract may be made in a single arbitration, irrespective of whether such claims are made under one or more than one arbitration agreement under the Rules.</p>
HKIAC Rules 2013	<p><b><u>Art. 29 – Single Arbitration under Multiple Contracts</u></b></p> <p>29.1 Claims arising out of or in connection with more than one contract may be made in a single arbitration, provided that:</p> <ol style="list-style-type: none"> <li>a. all parties to the arbitration are bound by each arbitration agreement giving rise to the arbitration;</li> <li>b. a common question of law or fact arises under each arbitration agreement giving rise to the arbitration;</li> <li>c. the rights to relief claimed are in respect of, or arise out of, the same transaction or series of transactions; and</li> <li>d. the arbitration agreements under which those claims are made are compatible.</li> </ol> <p>29.2 The parties waive any objection, on the basis of the commencement of a single arbitration under Article 29, to the validity and/or enforcement of any award made by the arbitral tribunal in the arbitration, in so far as such waiver can validly be made.</p>
SIAC Rules 2016	<p><b><u>Rule 6 – Multiple Contracts</u></b></p> <p>6.1 Where there are disputes arising out of or in connection with more than one contract, the Claimant may:</p> <ol style="list-style-type: none"> <li>a. file a Notice of Arbitration in respect of each arbitration agreement invoked and concurrently submit an application to consolidate the arbitrations pursuant to Rule 8.1; or</li> <li>b. file a single Notice of Arbitration in respect of all the arbitration agreements invoked which shall include a statement identifying each contract and arbitration agreement invoked and a description of how the applicable criteria under Rule 8.1 are satisfied. The Claimant shall be deemed to have commenced multiple arbitrations, one in respect of each arbitration agreement invoked, and the Notice of Arbitration under this Rule 6.1(b) shall be deemed to be an application to consolidate all such arbitrations pursuant to Rule 8.1.</li> </ol> <p>6.2 Where the Claimant has filed two or more Notices of Arbitration pursuant to Rule 6.1(a), the Registrar shall accept payment of a single filing fee under these Rules for all the arbitrations sought to be consolidated. Where the Court rejects the application for consolidation, in whole or in part, the Claimant shall</p>

be required to make payment of the requisite filing fee under these Rules in respect of each arbitration that has not been consolidated.

6.3 Where the Claimant has filed a single Notice of Arbitration pursuant to Rule 6.1(b) and the Court rejects the application for consolidation, in whole or in part, it shall file a Notice of Arbitration in respect of each arbitration that has not been consolidated, and the Claimant shall be required to make payment of the requisite filing fee under these Rules in respect of each arbitration that has not been consolidated.

Rules	Third-Party Intervention
HKIAC Rules 2013	<p><b><u>Art. 27 – Joinder of Additional Parties</u></b></p> <p>27.6 A third party wishing to be joined as an additional party to the arbitration shall submit a Request for Joinder to HKIAC. The provisions of Article 27.4 shall apply to such Request for Joinder.</p>
SIAC Rules 2016	<p><b><u>Rule 7 – Joinder of Additional Parties</u></b></p> <p>7.1 Prior to the constitution of the Tribunal, a party or non-party to the arbitration may file an application with the Registrar for one or more additional parties to be joined in an arbitration pending under these Rules as a Claimant or a Respondent, provided that any of the following criteria is satisfied:</p> <ol style="list-style-type: none"> <li>a. the additional party to be joined is prima facie bound by the arbitration agreement; or</li> <li>b. all parties, including the additional party to be joined, have consented to the joinder of the additional party.</li> </ol> <p>7.8 After the constitution of the Tribunal, a party or non-party to the arbitration may apply to the Tribunal for one or more additional parties to be joined in an arbitration pending under these Rules as a Claimant or a Respondent, provided that any of the following criteria is satisfied:</p> <ol style="list-style-type: none"> <li>a. the additional party to be joined is prima facie bound by the arbitration agreement; or</li> <li>b. all parties, including the additional party to be joined, have consented to the joinder of the additional party.</li> </ol> <p>Where appropriate, an application to the Tribunal under this Rule 7.8 may be filed with the Registrar. Subject to any specific directions of the Tribunal, the provisions of Rule 7.2 shall apply, <i>mutatis mutandis</i>, to an application for joinder under Rule 7.8.</p>