



MINISTRY OF JUSTICE



Challenge to Award of Judicial Board

Challenge to Awards of Judicial Arbitration Boards

1) Challenge to Award for Cassation

The award given by Arbitration Board may be challenged for cassation, if:

- a. Law is violated, misapplied or misinterpreted;
- b. Award or proceedings is found invalid and such invalidity affected the award;
- c. The Arbitration Board makes an award contrary to that previously made between the same parties to dispute and has become a *res judicata* conclusiveness, whether passed by ordinary courts or by a Judicial Arbitration board;
- d. Any of the reasons, for which petition for review is made, materializes;
- e. An award passed by Arbitration Board may not be challenged in any other way.

Challenge for cassation shall be made within thirty days from the award date of issue, in the events stated in the aforementioned clauses (a, b, c).

From the date on which fraud or cheat appears, as per the event stated in the above clause (d) and the challenging party shall deposit Kuwaiti Dinars one hundred as bond, upon submission of challenge. Entry, review and determination of challenge shall be governed by the procedures and rules stated in Code of Procedures.

1) Arbitration Board Jurisdiction to Correct Errors That Might Come out in Awards and in Interpretation thereof:

The Judicial Arbitration Board has jurisdiction to correct any purely material errors, either typographical or erythematic which may come out in awards and in interpretation thereof, if the text of such award contains ambiguity or confusion. Further, it shall also have jurisdiction to determine the motions placed, but disregarded.

2) Determination of Request for Correction or Interpretation:

If the award is challenged for cassation, the Court of Cassation shall alone have the jurisdiction to correct any material errors, which occur in the award or in the interpretation thereof.



Ministry of Justice - State of Kuwait

Courts Complex - Al Riggae - Fifth Floor, Building (B).
Tel: (+965) 24886943 Fax: (+965) 24800157
P. B. 6, Safat - 13001, Kuwait

www.moj.gov.kw

Preparation and Supervision
Tareq Yousef Al Shumaimry
Deputy Director of Arbitration
Email: times88@hotmail.com
2012