

Rule 21: Competence of Arbitration Tribunal to rule on its jurisdiction

(1) The Arbitration Tribunal may rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement, and for that purpose:

(a) an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract; and

(b) a decision by the Arbitration Tribunal that the contract is null and void shall not entail ipso jure the invalidity of the arbitration agreement.

(2) A plea that the Arbitration Tribunal does not have jurisdiction shall be raised no later than the submission of the Statement of Defence. A party shall not be precluded from raising such plea merely because he has appointed, or participated in the appointment of, an arbitrator.