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Re-characterisation of International Arbitrations Not Valid in Malaysia

Vincent Tan Chee Yioun & Anor v Jan De Nul (M) Sdn Bhd & Anor and other appeals

For some time, it was possible for Malaysian courts to re-characterise international arbitrations as domestic arbitrations, which exposes arbitral awards to unexpected challenges under the Arbitration Act 2005. Recently, however, the Malaysian Court of Appeal in *Vincent Tan Chee Yioun & Anor v Jan De Nul (M) Sdn Bhd & Anor and other appeals*^[1] has put an end to such judicial re-characterisations as they are not valid under Malaysian law.

This recent decision emphasises the pro-arbitration stance of Malaysian courts and the regime's inclination towards honouring the contractual dispute settlement arrangements of arbitral parties. In this regard, Malaysian courts will be hesitant in subjecting arbitral parties to additional challenges to arbitral awards, in particular those unanticipated at the time of the arbitral reference.

To find out more about the significance of the case, both nationally and internationally, see the recent LexisNexis interview of Dato' Nitin Nadkarni (who heads the Energy, Infrastructure & Projects and International Arbitration Practice), and Mr Lim Tse Wei [here](#).*

* As published on Lexis®PSL (Professional Support Lawyer), a practical guide for lawyers on international legal matters, on 26 September 2017

Lim Tse Wei

If you have any queries or would like to know more about arbitration, please do not hesitate to contact the author or his team partner [Dato' Nitin Nadkarni](#) (nn@lh-ag.com).

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