

SUMMARY OF KEY CHANGES

Topic / Area	2023 Rules	2026 Rules	Key Impact / Comment
Structure	Contained <i>Part II</i> incorporating the UNCITRAL Arbitration Rules.	UNCITRAL chapter removed; key principles assimilated into the AIAC Rules themselves.	Streamlined single-document regime; UNCITRAL essence retained but now localised.
Applicable Law & Procedure	No express requirement for parties to state applicable law/procedure.	Parties must propose governing law and procedure in Notice of Arbitration and Response – (<i>R. 5.1(h), R. 6.1(e) of the 2026 Rules</i>).	Improves clarity from the outset; avoids later jurisdictional uncertainty.
Counterclaims	Respondent <i>may</i> include counterclaim in Response.	Respondent <i>shall</i> include counterclaim in Response – (<i>R. 6.1(c) of the 2026 Rules</i>).	Mandatory inclusion ensures procedural efficiency.
Third-Party Funding (TPF)	Disclosure requirement not too extensive.	Mandatory disclosure in Notice and Response; detailed guidelines – (<i>R. 5.1 (f), 6.1(d), and 31 of the 2026 Rules</i>)	Enhances transparency; aligns with Malaysian Arbitration (Amendment) Act 2024.
Objection & Waiver	No specific waiver rule.	Parties waive right to object to irregularities if not raised promptly – (<i>R. 53 of the 2026 Rules</i>).	Encourages procedural discipline and finality.
Appointment of Arbitrators	Less criteria outlined	Expanded list of factors AIAC must consider – (<i>R. 16 of the 2026 Rules</i>).	More transparent appointment process.
Impartiality / Independence	General reference only.	Explicit adoption of UNCITRAL standards – (<i>R. 17 of the 2026 Rules</i>).	Brings consistency with international practice.
Challenge to Arbitrators	Grounds: justifiable doubts on impartiality/independence or lack of qualifications.	Adds new grounds – failure/impossibility to act; failure to perform duties	Clarifies challenge procedure and timing.

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		Adds new requirement – Only if realised after the appointment of arbitrator. <i>(R. 23.1–23.2 of the 2026 Rules).</i>	
Removal of Arbitrator	No express rule on removal by AIAC.	AIAC may remove an arbitrator under exceptional circumstances after consulting parties – <i>(R. 24. of the 2026 Rules)</i>	Strengthens institutional oversight.
Replacement of Arbitrator	Briefly covered.	Extended provisions on procedure and costs – <i>(R. 25 of the 2026 Rules).</i>	Reduces uncertainty during replacement process.
Tribunal Jurisdiction	Adopted by reference through UNCITRAL Part II.	Directly incorporated with local adjustments – <i>(R. 26 of the 2026 Rules).</i>	Codifies competence-competence within main rules.
Tribunal Powers	Limited outline.	Significantly expanded enumeration of powers – <i>(R. 28 of the 2026 Rules).</i>	Clarifies tribunal authority.
Seat of Arbitration (Award)	Award deemed made at seat – <i>(R. 7 of the 2023 Rules.)</i>	Clause removed – <i>(R. 29 of the 2026 Rules)</i>	Simplifies seat determination, consistent with Model Law.
Fast-Track Procedure	Provided but very brief.	Expanded and more detailed – <i>(R. 7 of the 2026 Rules).</i>	Promotes time and cost efficiency.
Summary Determination	Not expressly covered.	Expanded and more detailed – <i>(R. 9 of the 2026 Rules).</i>	Streamlines claims without merit.

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Joinder of Parties	Limited reference.	Detailed procedural framework – <i>(R. 10 of the 2026 Rules).</i>	Supports complex multi-party disputes.
Interim Measures	Minimal provision.	Comprehensive and modernised – <i>(R. 11 of the 2026 Rules).</i>	Clarifies tribunal and party powers.
Emergency Arbitration	Optional reference.	Formalised in three new rules - <i>(R. 12, 13 and 14 of the 2026 Rules).</i>	Institutionalises emergency relief procedures.
Multi-Party Appointments	Basic provision.	Adopts UNCITRAL Article 10 (with modifications) – <i>(R. 20 of the 2026 Rules).</i>	Clarifies process for appointing tribunal when it is a multi-party arbitration.
Amicable Settlement	Not mentioned.	Introduces Arb-Med, Arb-Med-Arb, and Med-Arb options – <i>(R. 49 of the 2026 Rules).</i>	Promotes settlement flexibility.
Interpretation / Correction / Additional Award	Incorporated via UNCITRAL Part II.	Directly adopted from UNCITRAL Articles 37–39 – <i>(R. 44–46 of the 2026 Rules).</i>	Improves procedural clarity for award post-issuance.
Early Termination	Not expressly covered.	Allows tribunal to terminate early if settled or continuation impossible – <i>(R. 51 of the 2026 Rules).</i>	Adopt UNCITRAL Rules and clarifies the process.
AIAC Decisions	Institution generally silent on reason-giving.	AIAC decisions binding; reasoning optional unless ordered by court – <i>(R. 55 of the 2026 Rules).</i>	Clarifies institutional authority.

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Technical Review of Awards	AIAC Director could waive technical review – <i>R. 16(8)</i> .	The earlier clause removed – <i>(R. 42 of the 2026 Rules)</i> .	Ensures consistency and quality control.
Timing (Three-Arbitrator Cases)	30 days from service of Notice.	30 days from receipt of Notice – <i>(R. 19.1(b) of the 2026 Rules)</i> .	Clarifies timeline trigger.