



Claim No CL-2019-000269

CL-2019-000269

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMMERCIAL COURT (QBD)

BEFORE: THE HON. MR JUSTICE BRYAN

IN THE MATTER OF THE ARBITRATION ACT 1996
IN AN ARBITRATION CLAIM

BETWEEN:

VALE S.A.

Claimant

- and -

BSG RESOURCES LIMITED

Defendant

ORDER

UPON the application of the Claimant without notice to the Defendant by way of Arbitration Claim Form issued on 18 April 2019.

AND UPON READING the first witness statement of Jonathan Patrick Knox Kelly dated 18 April 2019.

AND UPON READING the Final Award of the arbitrators Sir David A.R. Williams, QC, Dr Michael Hwang, SC and Professor Filip De Ly dated 4 April 2019 (the "**Award**")

IT IS ORDERED AND DECLARED THAT:

1. The Claimant has permission under section 66(1) of the Arbitration Act 1996 to enforce the Award in the same manner as a judgment or order of the High Court to the same effect, excluding the post-award interest awarded on the costs of the arbitration in the Award pending the correction of the currency of the rate of interest awarded on the costs of the arbitration.
2. Permission having been granted under section 66(1) as aforesaid, the Claimant may later request that judgment be entered in terms of the Award under section 66(2) of the Arbitration Act 1996.
3. The Defendant has the right, pursuant to CPR 62.18(9)(a), within 14 days after service of this Order to apply to set it aside.
4. Pursuant to the provisions of CPR 62.18(9)(b), the Award must not be enforced until after the end of the 14-day period referred to in paragraph 3 above, or if an application is made by the Defendant within that period to set aside this Order, until after that application has been finally disposed of.
5. The Defendant shall pay the Claimant's costs of the Application and, in the event that judgment is in due course entered by the Claimant in terms of the Award pursuant to section 66(2) of the Arbitration Act 1996, the costs of entering such judgment.

Dated this 9th day of May 2019

Claim No CL-2009-000269

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IN AN ARBITRATION CLAIM**

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Claimant

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BSG RESOURCES LIMITED

Defendant

ORDER

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