



Arbitration (Dinei Torah)

The London Beth Din serves the Anglo-Jewish Orthodox community as a forum for the adjudication of commercial and communal conflicts. It allows adherents of Jewish law to have their disputes resolved in a manner consistent with the rules of Jewish law (Halacha). It is a professional arbitration body, headed by leading rabbinic scholars and has a well-earned reputation for conducting arbitration proceedings with professionalism, competence, integrity and fairness.

The parties to any such dispute are required to sign an Arbitration Agreement prior to a hearing taking place. The effect of this is that the decision (Award) given by the Beth Din has the full force of an Arbitration Award and, if necessary, may be enforced by the civil courts. The arbitration process taking place at the Beth Din is known as a Din Torah.

Arbitrations take place within the framework of the Arbitration Act 1996 and therefore conform to procedural aspects of English arbitration law.

Types of Cases

The London Beth Din arbitrates a wide range of disputes among parties, ranging in value from small claims to claims involving several million pounds. These cases are primarily commercial, such as employer-employee, landlord-tenant, real property, business interference, breach of contract, breach of fiduciary duty, investor mismanagement, defective merchandise and unfair competition disputes etc. They also include family business issues and communal issues such as Rabbinic contract disputes and other congregational issues.

By law, there are some matters that are not eligible to be adjudicated upon and enforced within the framework of the Arbitration Act. These include ancillary relief upon divorce, access to children and inheritance.

Process

The arbitration procedure at the London Beth Din is straightforward and transparent and hearings take place without prior exchanges of pleadings or evidence. Hearings take place at the offices of the London Beth Din and the issue can often be resolved with only a single hearing. The Beth Din maintains an impartial and confidential relationship with each party. The parties frequently represent themselves, although they may be represented. Such representation could take the form of a Jewish advocate (a toen), or a solicitor or barrister/QC. He/she may be Jewish or non-Jewish.

Cases are heard by a panel of three Dayanim (arbitration judges), or on occasion where the parties agree, one Dayan. The Dayanim who sit on cases are leading authorities on Jewish law. Please see [here \[1\]](#) for further information about each of our Dayanim. When appropriate, the Beth Din may consult expert professionals as expert witnesses. As regards fact witnesses, at its discretion, the Beth Din may gather information from anyone who has knowledge of facts relevant to the case.

The London Beth Din applies Jewish law except to the extent that Jewish law calls for the application of secular (English) law.

Costs

The standard cost of the arbitration is £2000. Costs in Jewish law are, except in rare circumstances, split equally between the parties. The cost includes the time of three Dayanim and the Registrar for a half day hearing (or pro rata as appropriate) and the subsequent issuing of an Award. In certain cases the Dayanim may deem a subsequent hearing or hearings to be necessary and, if so, appropriate charges will be made. In the case of small claims, the fee will often be reduced.



Should parties agree to suffice with a single Dayan rather than three and/or to receive an abbreviated, non-reasoned Award, an application can be made to the Beth Din in this regard and this could significantly reduce costs.

Enforcement

The civil courts fully enforce decisions issued by the Beth Din that are conducted pursuant to binding Arbitration Agreements. As such, Beth Din Awards are subject to the limited review that applies generally to Arbitration Awards.

Mediation

In certain cases, where both parties provide full written consent, and at the discretion of the Beth Din, our Dayanim will undertake the mediation of a dispute, in an attempt to bring parties to a mutually agreed settlement of their conflict. This is different to an arbitration and does not produce an Award that is directly enforceable through the courts. If a mediation is successful, the outcome will be drawn up as a Settlement Agreement and, as long as the parties expressly provide for their agreement to be embodied in a court order, it can then be enforced through the court system. Unlike the outcome of an arbitration, the conclusion of a mediation must necessarily be agreed between the parties and allows parties to maintain control over the outcome of their case. For further information, please contact info@bethdin.org.uk [2]. Appropriate charges will apply.

OPEN A CASE AT THE LONDON BETH DIN

To commence a Din Torah, please complete the following application form [here](#) [3] on our website or print and return a copy of the form to info@bethdin.org.uk [2] or 305 Ballards Lane, North Finchley, London N12 8GB. The application should be accompanied by a deposit cheque for the sum of £100 payable to USKB. On receipt of your application, provided that the facts as stated by you give rise to a prima facie case, the defendant(s) will be summoned to a hearing before the London Beth Din.

For more information please telephone 020 8343 6270 or email info@bethdin.org.uk [2]

Source URL: <https://www.theus.org.uk/article/arbitration-dinei-torah>

Links

[1] <https://www.theus.org.uk/category/our-dayanim>

[2] <mailto:info@bethdin.org.uk>

[3] <https://www.theus.org.uk/sites/default/files/Dinei%20Torah%20application%20form.docx>