



CHAPTER 1

ARTICLE 45B - INTERNATIONAL COMMERCIAL ARBITRATION AND CONCILIATION

N.C.G.S. § 1-567.39.

Interim relief and the enforcement of interim measures.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2017-171, s. 1 — second act in the lineage	21 September 2026, 03:43 UTC	fb7f6865b9e4474cc4dc4b89 - 14333d881dab3c6c020141d8 - 065bdbae9911ce96

- § 1-567.39(a)** In the case of an arbitration where the arbitrator or arbitrators have not been appointed, or where the arbitrator or arbitrators are unavailable, a party may seek interim relief directly from the court as provided in subsection (c). Enforcement shall be granted as provided by the law applicable to the type of interim relief sought.
- § 1-567.39(b)** In all other cases, a party shall seek interim relief under G.S. 1-567.47.
- § 1-567.39(c)** In connection with an agreement to arbitrate or a pending arbitration, the court may grant, pursuant to subsection (a) of this section, any of the following:
- (1) An order of attachment or garnishment.
 - (2) A temporary restraining order or preliminary injunction.
 - (3) An order for claim and delivery.
 - (4) The appointment of a receiver.
 - (5) Delivery of money or other property into court.
 - (6) Any other order that may be necessary to ensure the preservation or availability either of assets or of documents, the destruction or absence of which would be likely to prejudice the conduct or effectiveness of the arbitration.
- § 1-567.39(d)** In considering a request for interim relief or the enforcement of interim measures, the court shall give preclusive effect to any finding of fact of the arbitral tribunal in

the proceeding, including the probable validity of the claim that is the subject of the interim relief sought or the interim measures granted.

§ 1-567.39(e) Where the arbitral tribunal has not ruled on an objection to its jurisdiction, the court shall not grant preclusive effect to the tribunal's findings until the court has made an independent finding as to the jurisdiction of the arbitral tribunal. If the court rules that the arbitral tribunal did not have jurisdiction, the application for interim relief or the enforcement of interim measures shall be denied. Such a ruling by the court that the arbitral tribunal lacks jurisdiction is not binding on the arbitral tribunal or subsequent judicial proceedings.

§ 1-567.39(f) The availability of interim relief under this section may be limited by prior written agreement of the parties in a record.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
2 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1991		2004		2017
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1991	c. 292, s. 1	ENACTED	
02	2017	S.L. 2017-171, s. 1	AMENDED	

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 1-567.47	(b)	"party shall seek interim relief under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-567.39 (2017).

PINPOINT

N.C. Gen. Stat. § 1-567.39(a) (2017).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1991, c. 292, s. 1; 2017-171, s. 1.)

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