

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 73 OF 2001

**The Arbitration Act
(Act No. 19 of 2000)**

**The Arbitration (Recognition of Arbitral Institutions)
Regulations, 2001**

ARRANGEMENT OF REGULATIONS

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IN EXERCISE of the powers contained in section *twenty-three* of the Arbitration Act, the following Regulations are hereby made:

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| Title | 1. These Regulations may be cited as the Arbitration (Recognition of Arbitral Institutions) Regulations, 2001. |
| Interpretation | <p>2. In these Regulations—</p> <p>(a) “ Act ” means the Arbitration Act, 2000; and</p> <p>(b) “ applicant ” means the professional body or organisation applying for a recognition order under these Regulations.</p> |
| Application for recognition order | <p>3. (1) An application for a recognition order shall be made in Form ARB1 and, in addition to the constitution or evidence of authority under which it is constituted referred to in subsection (3) of section <i>twenty-three</i>, it shall be accompanied by—</p> <p>(a) the rules relating to the matters referred to in section <i>twenty-five</i> of the Act; and</p> <p>(b) the application fee set out in the Second Schedule which shall not be refundable.</p> <p>(2) Where the constitution or rules of the applicant are not in the official language, there shall be attached to the application three copies of a translation of the constitution or rules into the official language, in addition to the copy of the constitution or rules in the language in which they were made.</p> |
| Furnishing of additional information and documents | <p>4. In addition to the documents and information referred to in Regulation 3, the Minister may require an applicant to furnish the Minister, within a specified period of not less than twenty-one days, with any of the following:</p> <p>(a) information as to the property, movable or immovable, and the financial position of the applicant;</p> <p>(b) the balance sheet of the applicant for the financial year preceding the application or for any other financial year;</p> <p>(c) a list of names of members and office bearers of the applicant or any of its committees;</p> <p>(d) the books of account of the applicant;</p> <p>(e) minutes or written records of the proceedings of the applicant or of its governing executive body or of any of its committees;</p> <p>(f) the documents of the title to any property held by the applicant;</p> <p>(g) the register of members of the applicant; or</p> <p>(h) any other information that the Minister may require for the determination of the application.</p> |

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| <p>5. On recognition of a professional body or organisation as an arbitral institution, the Minister shall issue to the applicant a recognition order in Form "ARB 2" in the First Schedule and shall cause the order to be published by <i>Gazette Notice</i>.</p> | <p>Recognition Order</p> |
| <p>6. Where the Minister refuses to issue a recognition order, the Minister shall send to the applicant notification of the refusal in the Form "ARB 3" set out in the First Schedule.</p> | <p>Notice of refusal to issue recognition order</p> |
| <p>7. (1) Where, under section <i>twenty-six</i> of the Act, the Minister intends to revoke a recognition order, the Minister shall notify the arbitral institution of such intention in the Form "ARB 4" set out in the First Schedule.</p> <p>(2) Where the Minister revokes a recognition order, the Minister shall notify the arbitral institution, of the revocation in the Form "ARB 5" set out in the First Schedule and shall cause the revocation to be published by <i>Gazette Notice</i>.</p> | <p>Notice of intention to revoke recognition order</p> |
| <p>8. An Arbitral institution which changes its name, address or any of the provisions of its constitution or rules, or varies its objects shall, within thirty days of the change, notify the Minister of the change in the Form "ARB 6" set out in the First Schedule.</p> | <p>Notice of change of name, address, constitution, rules or objects</p> |
| <p>9. The President or Chairperson and the Secretary of an Arbitral institution shall, not later than three months after the end of each financial year of the institution, submit to the Minister a return in relation to that year in the Form ARB 7 set out in the First Schedule.</p> | <p>Annual returns</p> |
| <p>10. Every office bearer and every person managing or assisting in the management in Zambia of a body or organisation for the settlement of disputes in respect of which a recognition order has not been granted commits an offence and is liable to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding six months or both; and, for a continuing offence, to a fine not exceeding twenty-five penalty units in respect of each day on which the offence continues.</p> | <p>Offences and penalties</p> |
| <p>11. The fees set out in the third column of the Second Schedule shall be payable for the matters set out opposite thereto in the second column of that Schedule.</p> | <p>Fees</p> |

FIRST SCHEDULE

FORMS

1. Application for Recognition as an Arbitral Institution - Form ARB 1 (Reg. 2(1)(a))
2. Recognition Order - Form ARB2 (Reg. 3)
3. Notification of Refusal to Recognise an Arbitral Institution - Form ARB 3 (Reg. 5)
4. Notice of Intention to Revoke Recognition of an Arbitral Institution - Form ARB4 (Reg. 5 (1))
5. Notice of Revocation of Recognition of an Arbitral Institution - Form ARB 5 (Reg. 5 (2))
6. Notification of Change of Name, Address, Constitution or Rules, or variation of objects of Arbitral Institution - Form ARB 6 (Reg. 6)
7. Annual return - Form ARB 7 (Reg. 7)

REPUBLIC OF ZAMBIA

FORM ARB1

(To be completed in triplicate)

THE ARBITRATION ACT, 2000
(Act No. 19 of 2000)

THE ARBITRATION (RECOGNITION OF ARBITRAL INSTITUTIONS) REGULATIONS, 2001
(Regulation 3 (1))

APPLICATION FOR RECOGNITION OF AN ARBITRAL INSTITUTION

To the Minister of Legal Affairs

The.....(name of professional body or organisation) hereby applies for recognition as an Arbitral Institution.

The following are the particulars of the professional body or organisation:

1. Name of professional body or organisation.....
2. Office bearer:

	Full Names	Residential	Postal	Date
Designation	(IN CAPITALS) Occupation Nationality	Address	Address	Appointed or elected
President/Chairperson
Vice President.
Secretary
Treasurer

3. Place of registered office.....
4. Postal Address.....
Tel No.:..... Fax No.:..... E-mail:.....
5. Objects of the professional body or Organisation:.....
.....
.....
6. The objects are set out in Clause or Rule No.:.....
of the Constitution or authority constituting the professional body or organisation

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7. Status of the body or organisation (state whether it is a body corporate, association, society or other type of entity).....
8. The professional body or organisation was established, incorporated or registered on the day of.....
9. The name of each body or organisation established within or outside Zambia of which the professional body or organisation is a branch or is affiliated to or connected with.....
10. To the best of our knowledge and belief, there is no other existing professional body or organisation registered or established in the name identical to or so nearly resembling the names of this professional body or organisation for the resolution of disputes, so as to cause confusion to its members or the public.
11. (a) Qualifications for membership (state the qualifications required of members and attach any relevant Rules or other documents in support):.....
- (b) Classes of membership:.....
- (c) Present number of members:.....
12. Certification of Arbitrators (State the body, organisation or institution, recognised by the body or organisation, which certifies members as arbitrators. Attach any relevant Rules or other documents in support):.....
13. The following Rules or provisions apply to the body or organisation to ensure the effective monitoring and enforcement of compliance with proper standards of arbitration (attach any relevant documents and identify any relevant Rules or provisions):.....
14. The following Rules and Provisions apply to ensure the integrity, conduct, discipline and control of arbitrators (attach any relevant documents, and identify any Rules or provisions):.....
15. Give an explanation of how investigations of complaints by parties against arbitrators are dealt with (attach relevant documents and identify any Rules or provisions applicable including any guidelines on such investigations):.....
16. State any other requirements in existence for the maintenance of proper standards of arbitration.....

17. The immovable property held by the professional body or organisation and the manner in which such property is held or vested:.....
.....
18. The date of commencement of the professional body's organisation's financial year:.....
.....
19. A copy of the Constitution and Rules authenticated by the officers of the professional body or organisation is attached to this application.

President/Chairperson	Name	Signature	Date
Secretary			

REPUBLIC OF ZAMBIA

Form ARB 2

(To be completed in triplicate)

THE ARBITRATION ACT, 2000

(Act No. 19 of 2000)

THE ARBITRATION (RECOGNITION OF ARBITRAL INSTITUTIONS)
REGULATIONS, 2001
(Regulation 5)

RECOGNITION ORDER

Whereas the Minister of Legal Affairs is Satisfied that the.....
.....
.....
has satisfied the requirements and conditions for recognition as an arbitral institution under the Arbitration Act, 2000.

NOW THEREFORE in exercise of the powers contained in that Act, the.....
.....is hereby recognised within Zambia
as an arbitral institution.

Made at Lusaka theday of....., 2.....

Minister of Legal Affairs

27th July, 2001

Statutory Instruments

REPUBLIC OF ZAMBIA

Form ARB 3

(To be completed in triplicate)

THE ARBITRATION ACT, 2000

(Act No. 19 of 2000)

THE ARBITRATION (RECOGNITION OF ARBITRAL INSTITUTIONS)

REGULATIONS, 2001

(Regulation 6)

NOTIFICATION OF REFUSAL TO RECOGNISE AN ARBITRAL INSTITUTION

To the President/Chairperson of.....(name of professional body or organisation).

I hereby give you notice that, in exercise of the powers conferred on me by section 24 of the Arbitration Act, 2000 I have this day refused to recognise theas Arbitral Institution under the Act, on the grounds that:.....

Dated atthisday of....., 2.....

Minister of Legal Affairs

REPUBLIC OF ZAMBIA

Form ARB 4

(To be completed in triplicate)

THE ARBITRATION ACT, 2000

(Act No. 19 of 2000)

THE ARBITRATION (RECOGNITION OF ARBITRAL INSTITUTIONS) REGULATIONS, 2001

(Regulation 7 (1))

NOTICE OF INTENTION TO REVOKE RECOGNITION OF AN ARBITRAL INSTITUTION

To :.....(name of Arbitral Institution).

TAKE NOTICE that in pursuance of section *twenty-six* of the Arbitration Act, 2000 on the expiry of a period of three months from the date hereof, I intend to revoke the Recognition Order datedrecognising the.....as an Arbitral Institution under the Act, on the grounds that:.....

Dated atthis day of....., 2.....

Minister of Legal Affairs

Note: An Arbitral Institution served with this Notice may within two months, or such longer period as the Minister may allow after the date of service, make representations to the Minister.

REPUBLIC OF ZAMBIA

Form ARB 5

(to be completed in triplicate)

THE ARBITRATION ACT, 2000

(Act No. 19 of 2000)

THE ARBITRATION (RECOGNITION OF ARBITRAL INSTITUTIONS) REGULATIONS, 2001

(Regulation 7 (2))

NOTICE OF REVOCATION OF RECOGNITION OF AN ARBITRAL INSTITUTION

To:.....(name of Arbitral Institution).

I hereby give you notice that in accordance with section 26 of the Arbitration Act, 2000, I have this day revoked the Recognition Order dated.....

.....recognising the

..... as an Arbitral

Institution on the grounds that:

Dated atthisday of....., 2.....

Minister of Legal Affairs

REPUBLIC OF ZAMBIA

Form ARB 6

(to be completed in triplicate)

THE ARBITRATION ACT, 2000

(Act No. 19 of 2000)

THE ARBITRATION (RECOGNITION OF ARBITRAL INSTITUTIONS) REGULATIONS, 2001

(Regulation 8)

**NOTIFICATION OF CHANGE OF NAME, ADDRESS, CONSTITUTION OR RULES OR
VARIATION OF OBJECTS OF ARBITRAL INSTITUTION**

To the Minister of Legal Affairs

* A. Notice is hereby given that the Arbitration Institution formerly
named.....

Has changed its name to

The reason for this change is.....

*B. Notice is hereby given that (name of Arbitral Institution).....

has changed the place of its registered office/postal address* from.....

to.....