



MINISTRY OF JUSTICE



## **Authorities and Powers of Judicial Arbitration Board**



# Authorities and Powers of Judicial Arbitration Board

## **FIRST: Authorities of Judicial Arbitration Board:**

- The chairperson of the board shall have the authority to assess the fees of the selected arbitrator, temporarily upon commencing proceedings and finally upon completing them.
- Having submitted the request to the chairperson of the board by Judicial Arbitration Department, the chairperson of the board shall also order to keep the request, if the fees assessed by the chairperson are not deposited by the parties to arbitration during the specified legal term.
- The chairperson of the board shall fix a date for submission of documents and specify tenure and venue of the session to be served upon the parties to arbitration.
- The chairperson of the board shall make the orders relating to procedures for proof.
- The chairperson of the board shall make the orders relating to letters rogatory.
- The chairperson of the board shall administer and control sessions.
- The chairperson of the board shall make the orders relating to assessment of arbitration expenses.
- The chairperson of the board shall sign original award.
- The chairperson of the board shall assume the authority to correct the award automatically by himself, if it is materially erroneous.

## **SECOND: Powers of Judicial Arbitration Board:**

1. The board shall hold sessions at the premises of the court of Appeal or



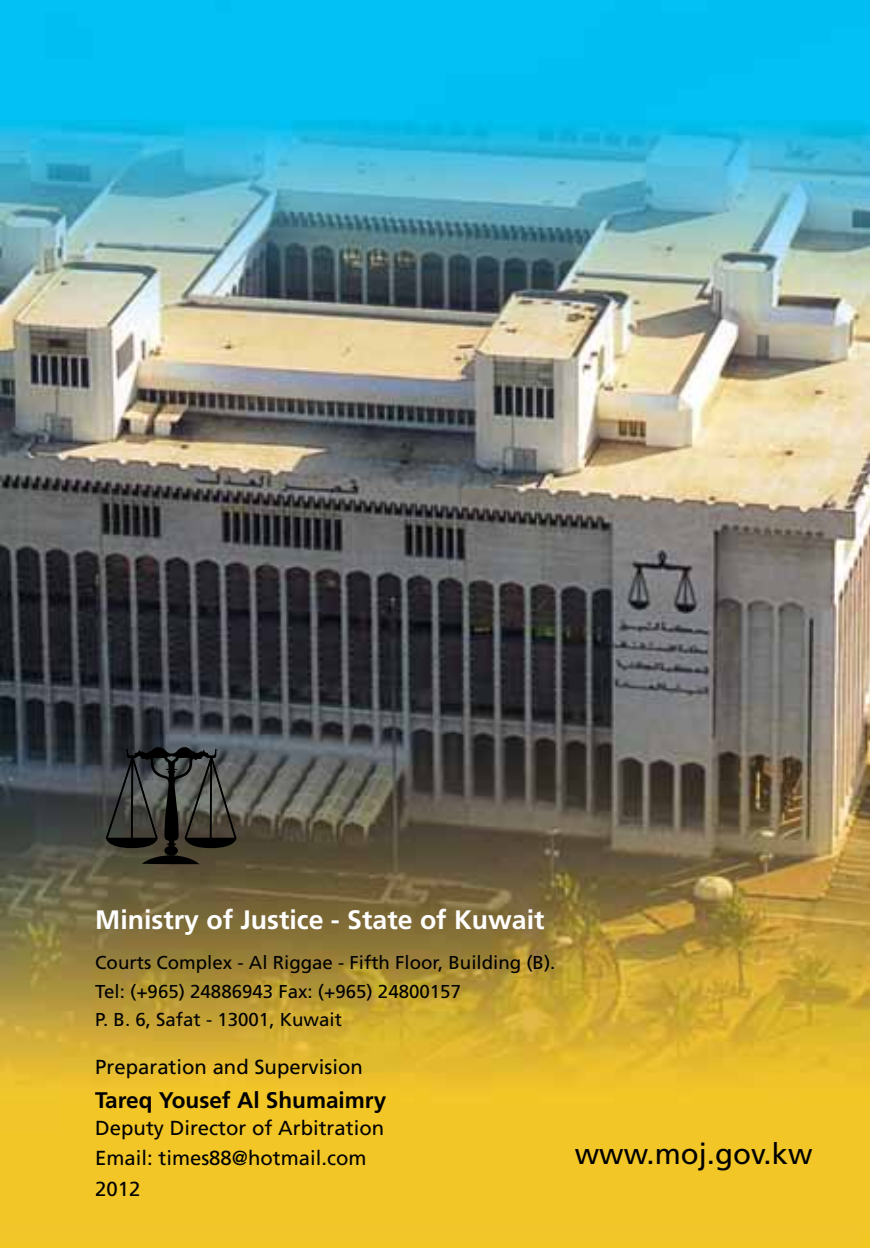
at any other venue designated by the chairperson of the board.

2. The board shall settle the disputes agreed by the relevant parties to be referred to the board and the disputes arising out of the contracts to be made, after this Law becomes operative, and state for dissolution of these disputes through arbitration, unless otherwise stated in the contract or in arbitration rules. The board shall alone decide on disputes arising out between ministries, government agencies or public moral persons and the state wholly-owned capital companies or among these companies.
3. The board shall decide on requests for arbitration filed by individuals or special juridical persons against ministries, government agencies, or public juridical persons in respect of disputes arising between them. Such agencies shall be bound by arbitration, unless a dispute has already been brought before courts of law.
4. The board shall charge-free consider the disputes brought to it.
5. The board shall decide on primary issues dealt with in dispute and come within jurisdiction of civil or commercial courts. The same shall not apply to criminal matters or personal status.
6. The board shall decide on demurrals that the board lacks jurisdiction, including demurrals built on absence, abatement and nullity of arbitration agreement; or built on the fact that the arbitration agreement does not include the merits of dispute, whether the board decides on those demurrals prior to deciding on merits or combines the said demurrals to the merits for deciding on them altogether.
7. The board shall decide on the lawsuit through the documents and memoranda submitted, even if, by either party to dispute without the attendance of the other, because the attendance of parties to dispute before the board is not necessary, as long as the parties to dispute are duly served upon in accordance with Judicial Arbitration Law.
8. The board may pass awards and orders against any witness who fails to attend or abstains from response, or instruct a third party to produce a document in his possession necessary for handing down an award



on the lawsuit and for letters rogatory. The full board shall attend investigation, unless it delegates one of them to do so.

9. The board shall apply procedural rules stated in Judicial Arbitration Law and Procedural Law, unless the latter contradicts with Judicial Arbitration Law. It shall apply the substantive law to dispute, unless the parties to dispute commit the board to apply rules of justice between them.
10. The Arbitration Board shall decide on summary matters relating to the merits of dispute, unless otherwise expressly agreed by the parties.
11. The board shall hold sessions in private, but it will pronounce the text of award in a public session. This public session shall be served upon the parties to arbitration. The award shall be given by majority of votes, and any member abstained from signing shall be mentioned in register. The award shall be validly made, if the majority of arbitrators signed it. Even if one member or more steps down or becomes absent after the lawsuit is held for award and deliberation starts
12. The arbitration board shall pass its award without limitation of time. The award or part thereof may not be published, except with the consent of parties.
13. The board shall decide arbitration expenses.
14. Awards issued by the board shall be res judicata and enforceable after the writ of execution is affixed thereon by Clerks Department of Court of Appeal.
15. The board shall have the authority to correct material errors of the award and assume the authority to interpret it, if either party to dispute so requests. It shall further assume the authority to complete determination of motions unsettled by the award, if either party to dispute so requests.
16. Awards given by the board may be challenged, only by cassation, according to the reasons prescribed by Judicial Arbitration Law.



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