

CHAPTER 49

THE ARBITRATION ACT

SUBSIDIARY LEGISLATION

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THE ARBITRATION RULES

[Legal Notice 58 of 1997]

1. These Rules may be cited as the Arbitration Rules.
2. Applications under sections 6 and 7 of the Act shall be made by summons in the suit.
3. (1) Applications under sections 12, 15, 17, 18, 28 and 39 of the Act shall be made by originating summons made returnable for a fixed date before a Judge in chambers and shall be served on all parties at least fourteen days before the return date.
(2) Any other application arising from an application made under subrule (1) shall be made by summons in the same cause and shall be served on all parties at least seven days before the hearing date.
4. (1) Any party may file an award in the High Court.
(2) All applications subsequent to filing of an award shall be by summons in the cause in which the award has been filed and shall be served on all parties at least seven days before the hearing date.
(3) If an application in respect of the arbitration has been made under rule 3(1) the award shall be filed in the same cause; otherwise the award shall be given its own serial number in the civil register.
5. The party filing the award shall give notice to all parties of the filing of the award giving the date thereof and the cause number and the registry in which it has been filed and shall file an affidavit of service.
6. If no application to set aside an arbitral award has been made in accordance with section 35 of the Act the party filing the award may apply ex parte by summons for leave to enforce the award as a decree.
7. An application under section 35 of the Act shall be supported by an affidavit specifying the grounds on which the party seeking to set aside the arbitral award and both the application and affidavit shall be served on the other party and the arbitrator.
8. If an order is made under sections 6 and 7 of the Act, the Court may direct by whom the costs of the action are to be borne and may order the arbitrator to include in his award the taxed costs or such sum as the Court may fix in lieu of taxation.
9. An application under section 36 of the Act shall be made by summons in chambers.
- 10(1) The court fees payable on filing an award shall be Sh. 10,000.
(2) All fees for any proceedings under the Act shall be calculated in accordance with the scale of fees applicable to the High Court.
11. So far as is appropriate, the Civil Procedure Rules shall apply to all proceedings under these Rules.