



Application for the Appointment of Arbitrator/s¹, Adjudicator/s, Mediator/s

APPLICATION FORM (2023)

WHERE DID YOU HEAR ABOUT THE ASSOCIATION OF ARBITRATORS (SOUTHERN AFRICA) NPC ("the Association") AS AN APPOINTING BODY?

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BANKING DETAILS:

Account Holder: Association of Arbitrators (Southern Africa) NPC
Bank: First National Bank
Current Account Number: 628 138 641 06
Branch Code: 254 605

DESCRIPTION	COST (INCL. VAT)
Application Fee (once-off, non-refundable):	R 5 000.00

APPLICATION DETAILS:

NOTE: Please tick the appropriate boxes.

In terms of the arbitration agreement/dispute settlement clause in the contract described below, we hereby apply to the Association to appoint:

An arbitrator: An adjudicator: A mediator:

or nominate a panel of:

3 arbitrators: 3 adjudicators: 3 mediators:

or nominate a member/s of a:

DAB: Number applicable:

CONTRACT DETAILS:

NOTE: To assist the Association in this application, please set out the following relevant information:

1. Type of contract and version thereof (where applicable):

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(e.g. FIDIC; JBCC; Civil Engineering; Franchise; Purchase and Sale; Partnership; General Commercial; other)

2. Type of subject/project:

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(e.g. Commercial; Agricultural; Sport; Mining; Office Block; House; Fast Food Outlet; etc.)

3. Location of subject/project:

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¹ In terms of the Rules for the Conduct of Arbitrations (2021 Edition).

NATURE AND COMPLEXITY OF THE DISPUTE CONT.:

Provide specific details of the complexity of the dispute (eg. any particular legal or technical issues, or a combination thereof, etc.).

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Total project amount (if applicable): R

Amount in dispute: R

Approximate amount of counter-claim (if known): R

Desired centre for the hearing:

Language used in the contract and general documentation:

Desired language for the hearing:

Kindly indicate the name/s of any Fellows of this Association whom, to the best of your knowledge, is/are currently, or have previously been, involved in this project:

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Kindly indicate any particular skills, experience or qualifications that the ADR practitioner is required to possess (e.g. advocate (SC or junior); attorney; other legal (e.g. retired judge); architect; engineer; project manager; quantity surveyor; insurance; medical; mining; etc.):

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INVOICE DETAILS:**NOTE:**

- In order to receive a tax invoice, the following details must be completed in full. Mark "Company" and "VAT No." as "N/A" if the invoice is to be made out in your personal capacity and/or if the initiating party is not registered as a VAT vendor;
- A non-refundable fee of R5 000.00 (incl.) in respect of the Association's administrative costs must be made before the Association will appoint an ADR practitioner for this dispute. It is therefore essential that you submit to us proof of payment using our invoice number as a reference;
- Please submit your proof of payment, with reference to our invoice number, to nominations@arbitrators.co.za and to michelle@arbitrators.co.za.

Company:	.....	VAT No.:	.....
Attention:	.....	Email:	.....
Tel. No.:	.....	Fax No.:	.....
Postal Address:	.....	Physical Address:	.....

Province:	.....	Code:	.....
Country:	.....	Country:	.....

DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION FORM:

NOTE: Please ensure that the following documents are submitted to nominations@arbitrators.co.za together with this Application Form:

We enclose herewith the following:

1. A copy of the front page of the main agreement/contract;
2. A copy of the applicable dispute resolution clause in the agreement/contract;
3. A copy of the **Notice of Dispute**;
4. A copy of the **Notice of Arbitration**, if applicable (see page 5 of this Application Form);
5. A copy of the written arbitration agreement, if applicable;
6. Supporting information taken from the agreement/contract document;
7. Supporting information showing that the Association has the authority to appoint an ADR practitioner in the dispute under this application;
8. **We confirm that the receiving party has been issued with, and acknowledged receipt of, a copy of this application form and attach a copy of this acknowledgment hereto.**

PROTECTION OF PERSONAL INFORMATION:

The Initiating Party's information will be shared with the Receiving Party, the Association's Nominations Committee and the ADR practitioner(s) nominated for the dispute.

The Association will not share your personal information without your consent. However, in processing your personal information, the Association may share it with third party processors such as payment processors, email management and distribution tools, and/or data storage providers.

DISCLAIMER AND DECLARATION:

We confirm that any conditions necessary for the appointment of the requested ADR practitioner(s) have been complied with. More particularly, we indemnify the Association against any claims, actions or proceedings which may be instituted by the Receiving Party against the Association arising out of this application.

Name in BLOCK LETTERS:

Date: **Signature:**

NOTE: The appointment of an ADR practitioner will be made within 2 weeks of receipt of this application.

Notice of Arbitration

EXPLANATORY NOTES

If the agreement between the parties requires that arbitration be conducted according to the latest rules for the conduct of arbitrations published by the Association of Arbitrators (Southern Africa) NPC (“the Association”), or:

- The latest Rules for the Conduct of Arbitrations published by the Association; or
- If the agreement between the parties requires that arbitration be conducted according to the latest Rules for the Conduct of Arbitrations published by the Association, or
- Any other wording which requires that the rules for the conduct of arbitrations of the Association published 1 January 2018 are applicable to arbitration proceedings between parties to a dispute,

then:

1. A Notice of Arbitration **MUST** be issued by the party initiating recourse to arbitration (the initiating party) to the other party to the dispute (the receiving party);
2. The Notice of Arbitration **MUST** include the following:²
 - 2.1. A demand that the dispute be referred to arbitration;
 - 2.2. The names and contact details of the parties;
 - 2.3. Identification of the arbitration agreement that is being invoked;
 - 2.4. Identification of the context in which the dispute has arisen;
 - 2.5. The name and contact details of any arbitrator already agreed upon by the parties;
 - 2.6. Identification of the contract or other legal instrument out of or in relation to which the dispute arises.

NOTICE OF ARBITRATION TEMPLATE

NOTICE OF ARBITRATION

<insert appropriate details>

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|---|--|--|
| 1 | Demand to refer dispute to arbitration: | <insert appropriate details> |
| 2 | Name of initiating party:
Postal address of initiating party:
Physical address of initiating party:
Contact telephone number of initiating party:
Applicable e-mail address of initiating party: | <insert appropriate details>
<insert appropriate details>
<insert appropriate details>
<insert appropriate details>
<insert appropriate details> |
| 3 | Name of receiving party:
Postal address of receiving party:
Physical address of receiving party:
Contact telephone number of receiving party:
Applicable e-mail address of receiving party: | <insert appropriate details>
<insert appropriate details>
<insert appropriate details>
<insert appropriate details>
<insert appropriate details> |
| 4 | Identification of arbitration agreement being invoked: | <insert appropriate details> |
| 5 | Identification of the context in which the dispute has arisen and is to be determined, including to the extent relevant: | <insert appropriate details> |
| 6 | Contract of other legal instrument defining the relationship between the parties: | <insert appropriate details> |
| 7 | Preceding attempts at resolution of the dispute: | <insert appropriate details> |
| 8 | Any agreements regarding the appointment of an arbitral tribunal: | <insert appropriate details> |

² Abridged extract from article 3.1 of the Rules of the Conduct of Arbitrations.

NOTICE OF ARBITRATION

- 9 Brief description of dispute: <insert appropriate details>
- 10 Name of arbitrator/s agreed to by the initiating and receiving parties: <insert appropriate details>
Postal address of arbitrator/s: <insert appropriate details>
Physical address of arbitrator/s: <insert appropriate details>
Contact telephone number of arbitrator/s: <insert appropriate details>
Applicable e-mail address of arbitrator/s: <insert appropriate details>
- 11 Identification of contract or legal instrument out of which the dispute arises, or, in its absence, a brief description of the relevant relationship: <insert appropriate details>
- 12 Any other proposals/requests for consideration by the receiving party, including proposals such as:
- 12.1 The appointment of the arbitral tribunal: <insert appropriate details>
- 12.2 Number of arbitrators proposed: <insert appropriate details>
- 12.3 Language to be used in arbitration proceedings: <insert appropriate details>
- 12.4 Place where arbitration is to be held: <insert appropriate details>
- Issued by: <insert appropriate details>
- For and on behalf of: <insert appropriate details>
- Signature: <insert appropriate details>
- Date: <insert appropriate details>