

AIAC ARBITRATION CIRCULAR 01

CIRCULAR ON THE APPOINTMENT FEE IN AD HOC ARBITRATION MATTERS

Pursuant to Section 13 of the *Arbitration Act 2005* [Act 646] (the "Act"), the Director of the AIAC is designated as the default appointing authority in certain circumstances. Specifically, a party may request the Director of the AIAC, in writing, to appoint either a sole arbitrator or one or more members of a three-member tribunal in an ad hoc arbitration, if certain conditions are satisfied. The Director of the AIAC can also be requested to appoint one or more members of an arbitral tribunal, in an ad hoc arbitration, where a third-party entrusted by the Parties to make the appointment, fails in the exercise of its function to do so (*cf.* Sub-sections 13(4)-13(6) of the Act).

Further, the Director of the AIAC may act as a designated appointing authority on the basis of the Parties' written agreement, including where the Director of the AIAC is designated as the appointing authority for an ad hoc arbitration to be conducted pursuant to the UNCITRAL Arbitration Rules.

This Circular aims to clarify the existing institutional practice in relation to the fee charged for the appointment of arbitrators in ad hoc arbitration matters by the Director of the AIAC. The Party to the dispute requesting the Director of the AIAC to appoint an arbitrator in an ad hoc arbitration matter shall provide the proof of payment of the following appointment fee, alongside its appointment request:

- (i) RM1,590.00 (inclusive of SST) for domestic matters; or
- (ii) USD795.00 (inclusive of SST) for international matters.

Should a requesting party fail to submit the proof of payment, the Director of the AIAC will not proceed with the appointment request.

Please note that the above appointment fee is subject to revision by the Director of the AIAC from time to time.

For enquiries, please write to arbitration@aiac.world.

Dated this 18th December 2020.



Tan Sri Datuk Suriyadi Bin Halim Omar
Director
Asian International Arbitration Centre