

Module 1 – Domestic Arbitration

Law, Practice & Procedure

Course Application Form – 2021 **3rd Session**



CI Arb
evolving to resolve

Kenya Branch

About the Course

The Chartered Institute of Arbitrators Kenya Branch has organized the above Module span over four months with two, one-day tutorials to be held online:-

Tutorial 1 – 7th October, 2021

Tutorial 2 – 4th November, 2021

This course is designed to give you a detailed knowledge and understanding of the Law underpinning arbitration, procedural elements of domestic (ie. non-international) arbitration and general Practice of Arbitration to enable you understand and participate in such proceedings. The course focuses on legal principles, process, practice and procedure in domestic arbitration. The course will take the form of two (2) Tutorials (lectures & discussions). It is based on the content of a Workbook which will be collected after finalizing with the application process in advance. The application process will commence on **3rd September, 2021**

This Course is for you if:

- You are at the moment classified as an “Associate Member”.
- You are one wishing to understand this topic generally, for example as a party, party representative or witness.
- You wish to improve knowledge of Arbitration Law & Practice even if you will not participate at the exam.
- The course is a must for those who would like to progress to “Member” level and eventually attain qualification as a Fellow of CI Arb.

What are the learning outcomes?

On successful completion of this course candidates will be able to:

- ∞ Define what is meant by the term ‘domestic arbitration’.
- ∞ Identify, explain and apply the legal procedural principles, rules and agreements relevant to the conduct of a domestic arbitration:
 - ∞ The legal framework, including limitations of matters that may be legally arbitrated;
 - ∞ The contractual nature of the appointment of an arbitrator;
 - ∞ The range and limitations of an arbitrator’s powers and jurisdiction;
 - ∞ The rights, duties and responsibilities of a party to an arbitration;
 - ∞ The methods of initiating and processing an arbitration;
 - ∞ The relevance of the court regarding all stages in an arbitration;
 - ∞ The requirements of an enforceable award.
- ∞ Evaluate and apply the principles and legal requirements of a domestic arbitration.
- ∞ Evaluate issues and apply the law of domestic arbitration appropriately.
- ∞ Demonstrate practical skill in carrying out the tasks required in preparing for and progressing a domestic arbitration.
- ∞ Demonstrate skill in controlling a domestic arbitration, communicating effectively with the parties, applying the CI Arb Arbitration Rules and adopting appropriate procedures.

The Course content

- ▲ Dispute Resolution Processes – An Overview
- ▲ Arbitration in the context of the range of methods for resolving disputes
- ▲ A History of Arbitration
- ▲ The Arbitration Act 1996
- ▲ Fundamental Principles of the Arbitration Process
- ▲ The Arbitration Agreement, Appointment and initiation of an arbitration
- ▲ The Arbitral Tribunal: Independence and Impartiality
- ▲ Arbitrators Jurisdiction and Powers
- ▲ The Arbitral Tribunal: Duties and Procedural Choices 10 Procedures: Pleadings, Documents and Evidence 11 Procedures: Applications to the Tribunal
- ▲ Pre – Hearing procedure and The Hearing
- ▲ Remedies, Costs & Interest
- ▲ The Award
- ▲ Role of the Court

Course Assessment

Assessment of this module is by either one written coursework assignment taken online or a three (3) – hour written closed-book examination. In order to pass, you will be required to achieve 65% or 55% in the written Coursework or the written examination respectively. Candidates will be informed on the nature of the assessments which are determined on the basis of numbers due to the COVID-19 pandemic scenario.

Successful candidates :-

- will be awarded an Advanced Certificate
- Will be eligible to apply for Member grade of CI Arb, and take advantage of a range of educational and professional benefits
- May progress onto Module 2 and later 3 of the Domestic Arbitration pathway.

Tutorial Fees

The Tutorial fee is Kshs 45,000/= which includes a hard copy of the course materials. The fee can also be paid by installments provided the first installment of Kshs 20,000/- is received on or before the closing date of **Friday 17th September, 2021** and the balance paid in full before **Monday 25th October, 2021**. Extra cost for postage or delivery of the materials before course commencement will be borne by the participants.

Examination date – 2nd December, 2021

Examination Fee

The examination fee is GBP 178. This being a membership course participants will be required to have regularized their membership before registering the course. The Examination will be based on the 1996 English Act. The Examination fee can also be paid by installments provided all installments are paid before **Friday 12th November, 2021**.

Materials

Course materials will be available for collection or delivery at candidates cost or upon payment of the course fees. All participants will be expected to have the Arbitration Acts 1995 & 1996.

Venue

The Tutorials will be held online unless otherwise communicated giving reasonable notice before any Tutorial.

MEMBERSHIP REQUIREMENT

Please note that under the pathways to fellowship, all subsequent assessments are membership examinations. Thus, ALL applicants are expected to have regularised their membership with the Chartered Institute of Arbitrators. The membership application form was issued to you with your Introductory course results.

Applications

Application forms can be obtained from Chartered Institute of Arbitrators (Kenya Branch) office or from our website www.ciarbkenya.org.

Application forms together with the requisite course fee must be submitted on or before **Friday 17th September, 2021** to the following address: -

The Education & Programs Manager
Chartered Institute of Arbitrators (Kenya Branch)
Nicholson Drive, Off Ngong Road
P. O. Box 50163 - 00200,
NAIROBI



MODULE 1 - ARBITRATION LAW & PRACTICE

2021- NAIROBI 3RD SESSION

PROGRAMME

2021		Type
By Monday 30 TH August, 2021	Application and collection of Module 1 WORKBOOK	Registration
	Module 1 WORKBOOK – Read Chapters 1-9 Inclusive	Private study
Thursday 7th October	Tutorial 1 (6 hours)	Virtual - Online
	Module 1 WORKBOOK – Read Chapters 10 - 15 Inclusive	Private study
Thursday 4th November	Tutorial 2 (6 hours)	Virtual - Online
	Start Revision	Private Study
By Monday 29 th November	Complete revision	Private study
Thursday 2nd December	Module 1 Coursework or (Closed Book) Examination comprising a range of Essay and Case Studies	Online / Examination Centre
Within 90 days	Examinations results published	[Exam admin]

- Please note that unless there is a change to the virtual sessions you are only required to attend Face to Face Tutorials on the dates given at Fairview Hotel
- Other dates are given to assist you in planning your private study.

REGISTRATION FORM – Nairobi 3rd Session 2021

Please complete all sections in BLOCK CAPITALS and return your completed form to:

CI Arb Education & Programs Manager, Chartered Institute of Arbitrators Nicholson Court,
Nicholson Drive, off Ngong Road
P.O. Box 50163 – 00200 NAIROBI • E info@ciarbkenya.org • M +254 (020) 0722 200496/
0734 652205



PERSONAL DETAILS

Surname:	First Name:
Other Names:	Title:
Profession/Trade	Gender: Male <input type="checkbox"/> Female <input type="checkbox"/> Date of Birth:-
Address:	
Postcode:	Town : Country:
Physical (Delivery) Address if different from main address (for course materials and results):	
Cell Phone:	Email:
Employer/ Firm/ Organisation	

- Bank Transfer Deposit / transfer date: M-pesa confirmation code.....
- Cheque / Bank Draft

Any costs arising out of unpaid or uncleared cheque will be met by the applicant.

Cancellation charges will STRICTLY apply as follows:

Notice Prior to commencement of event

- ≈ Over Three weeks
- ≈ One to two weeks
- ≈ Less than one week

Cancellation charges

- Full refund
- 50 % refund
- No refund

Cancellation notice should be sent to the institute by email to info@ciarbkenya.org or a hard copy letter dropped off at the Institute. Verbal or other forms of cancellation will not apply. A deduction of 10% of Course fees will be made on all participants wishing to defer their training to the next course provided there is not more that two deferments and notice to differ is received at least seven days before the date of the 1st Tutorial.

If payment is made by bank transfer/ deposit, this should be made payable to the ‘Chartered Institute of Arbitrators’ Commercial Bank of Africa(CBA) , Mama Ngina Branch, Account Number: 0155538007. Or Mpesa Paybill No. 975743 Account No. MOD1NBI3. Kindly contact the Secretariat for Bank details for payment of examination fees

Signature:	Date:
-------------------	--------------

Receipt No: Issued documents

Receiving officers Signature: -----