

Module 3 – Domestic Arbitration



CI Arb
evolving to resolve
Kenya Branch

Evidence, Decision Making & Award Writing

Course Application Form – July 2022

About the Course

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

Tutorial 1 – 11th August, 2022

Tutorial 2 – 01st September, 2022

Tutorial 3 – 27th October, 2022

Revision Tutorial – 17th November, 2022 (1 – Hour Optional)

Exam – 9th December, 2022

This module provides candidates with the knowledge required to understand and consider evidence, to weigh it up and analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable Arbitration Award in compliance with the Arbitration Act 1996.

This course focuses on the processes followed by an Arbitrator in defining the issues that have to be decided by an Award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable Award.

The course will take the form of three (3) 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 May, 2022.

This Course is for you if:

- You are at the moment classified as a “Member” of the Chartered Institute of Arbitrators having attained this membership cadre
- 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 “Fellow” level and eventually attain qualification as a Fellow of CI Arb.

In order to register for the course, candidates must:

- Have successfully completed and passed the CI Arb Module 1 Law, Practice and Procedure under the New Pathways program.
- Recently successfully undertook the Special Process & Procedure transition.
- Have successfully completed and passed the CI Arb Module 2 Law of Obligations under the New Pathways program or Module 1 under the “Old Pathways”.
- Been granted an exemption from the CI Arb Module 2 Law of Obligations having passed the exemption test.

What are the learning outcomes?

On successful completion of this course candidates will be able to demonstrate sound conceptual technical and / or practical knowledge of:

- ∞ Recognizing and evaluating evidence
- ∞ The issues that arise from the parties' submissions;
- ∞ Being able to create structure and deal with all the issues that arise.
- ∞ Deciding matters in dispute logically and in accordance with the law.
- ∞ The skills required to write Awards correctly.
- ∞ The discursive and operative parts of the Award;
- ∞ Being able to deal with the parties' costs and interest of an Award
- ∞ Allocating Arbitrator's fees and expenses;
- ∞ Demonstrating compliance with the legal and other requirements for an enforceable Award

The Course content

- ▲ Basic Concepts & Types of Evidence;
- ▲ The Burden and Standard of Proof;
- ▲ Hearsay;
- ▲ Privilege;
- ▲ Written Evidence and Disclosure of Documents;
- ▲ Witnesses;
- ▲ Expert Witnesses;
- ▲ Introduction: The Purpose of the Award;
- ▲ The Need for Plain Language;
- ▲ Legal and Substantive Requirements;
- ▲ Identifying the Issue for determination
- ▲ Reasons and Decision Making
- ▲ Structure of the Award
- ▲ The Form of the Award
- ▲ Publishing the Award

Course Assessment

Assessment of this course is a Four (4) – hour Award Writing examination exercise. In order to pass, candidates must achieve a minimum overall mark of 70% in the examination to pass the course.

Successful candidates:-

- will be awarded an Advanced Certificate
- Will be eligible to apply and pass the Peer Interview to upgrade to Fellow status of the Institute.

Tutorial Fees

The Tutorial fee is Kshs 61,000/= which includes the course materials. The fee can also be paid by installments provided the first installment of Kshs 30,000/- is received on or before the closing date of **Friday 15th July, 2022** and the balance paid in full before **Friday 26th August, 2022**. Extra cost for postage or delivery of the materials before course commencement will be borne by the participants.

Examination Fee

The examination fee is GBP 408 for candidates applying directly to the UK and GBP 412 for those depositing in the Kenya Branch CBA Pounds Account. This being a membership program, 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 **Thursday 3rd November, 2022**.

Kindly note that participants/ candidates opting for the installment option should contact the Branch accounts Officer.

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.

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 15th July, 2022** 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

Email: info@ciarbkenya.org
Cellphone: 0722 200 496

cc. accounts@ciarbkenya.org

Module 3 – Domestic Arbitration

Evidence, Decision Making & Award Writing

Course Application Form – July 2022



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: Mpesa 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 than two deferrals 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: 6435390017. Or Mpesa Paybill No. 975743 Account No. MOD3J22

Signature:	Date:
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Examination Fees payable to NCBA Pounds Account Number: 6435390046

Receipt No:

Issued documents

Receiving officers Signature:

MODULE 3 – DOMESTIC ARBITRATION

Tutor's Course Schedule:

Course Start Date 15/07/22

Date	Study Schedule	Action
15/07/22 – 10/08/22	Candidates Self-Study	Candidates
03/08/22	Send Scenario Part 1	Course Administrator
11/08/22	Tutorial 1 (6 hours)	Candidates and Tutor
12/08/22 – 31/08/22	Candidates Self-Study	Candidates
12/08/22	Send Scenario Part 2	Course Administrator
17/08/22	Submit - Full Award (by 12 Noon E.A. Time)	Candidates
01/09/22	Tutorial 2 (6 hours) Feedback on Scenario Awards	Candidates and Tutor
02/09/22 – 26/10/22	Candidates Self-Study	Candidates
06/09/22	Send Practice Award Part 1 & 2	Course Administrator
07/09/22 – 15/09/22	Volunteer Candidate Draft Award	Tutor
16/09/22	Deadline for Submitting Practice Awards	Candidates
27 /10/22	Tutorial 3 (6 hours) Feedback on Practice Awards	Candidates and Tutor
17/11/22	Revision Tutorial 3 (1 hour) Optional	Candidates and Tutor
09/12/22	Examination	Candidates

- Please note that you are only required to attend Face to Face Tutorials on the dates given Online.
- Other dates are given to assist you in planning your private study.

The Chartered Institute of Arbitrators reserves the right to alter the contents of the programme without prior notice.