

CIARB KENYA FEE GUIDELINES & RECOMMENDATIONS

The Branch maintains a register of qualified Arbitrators, Adjudicators, Dispute Adjudication Board (DAB) members, Mediators and Expert Determiners of various grades, professions and areas of specialization. Parties are advised to consult the Branch for guidance on the appointment of suitable persons before making direct or bilateral appointments of dispute resolvers.

When making the appointment, the chairman of the Branch considers the appointee's qualifications, experience, and continuous professional development (CPD) status.

PREAMBLE:

Parties are free to agree with the Tribunal/dispute resolver at appointment or on rates outside the indicated range depending on the simplicity/complexity of the matter, urgency of the matter, the amounts in dispute, fees charged by other members of the particular panel, whether the dispute is essentially local/domestic or international, the professional standing of the dispute resolver in the primary profession and any other relevant factors.

A. FEES PAYABLE TO CIARB KENYA FOR APPOINTMENT/NOMINATION OF TRIBUNAL MEMBERS:

The Branch provides services at the following rates:-

Appointment/Nomination Fees	Other Administrative charges include:
<ol style="list-style-type: none"> 1. Arbitrator, Adjudicator or DAB Member – 20,000/= 2. Mediator/Conciliator - 10,000/= 3. Expert Determiner 10,000/= 4. Curriculum Vitae (CVs)/ Profiles of Members: <ol style="list-style-type: none"> (i) List of up to 5 members with CVs for Consideration – 5,000/=, (ii) additional name with CV-@1,000/= 	<ol style="list-style-type: none"> 1. Arbitrator Challenge – 10,000/= 2. CIARB Arbitration Rules, 2020 - 1,000/= 3. Adjudication Rules, 2003, - 1,000/= 4. Library: Members Free
Notes: <ol style="list-style-type: none"> 1. <i>The appointment/nomination fees charged are non-refundable and payable in advance.</i> 2. <i>The institute provides hire of boardroom services at reasonable rates.</i> 3. <i>All rates are in Kenya Shillings. Equivalent rates for USD and GBP are available on request.</i> 	

B. ARBITRATORS/ADJUDICATORS FEE SCHEDULE:

Qualified Arbitrators, Adjudicators, Dispute Adjudication Board members, Mediators and Expert Determiners are entitled to apply a fixed rate or an *ad valorem* rate based upon the following guidelines:-

I. HOURLY RATES:

ARBITRATION, ADJUDICATION & DISPUTE ADJUDICATION BOARD MEMBER:

	0 – 5 Years Experience		5 – 10 Years Experience		10 Years plus Experience	
	Kshs.	US Dollars	Kshs.	US Dollars	Kshs.	US Dollars
Chartered Arbitrator	-		25,000.00	255.00	30,000.00	305.00
Fellows	17,500.00	200.00	20,000.00	205.00	25,000.00	255.00
Members	15,000.00	155.00	17,500.00	180.00	20,000.00	205.00
Associates	10,000.00	105.00	11,000.00	115.00	12,500.00	130.00

MEDIATION/CONCILIATION:

	0 – 5 Years Experience	5 – 10 Years Experience	10 Years plus Experience
Mediator	10000 – 12500	12,500 – 15,000	15,000 – 20,000

II. AD VALOREM RATES:**ARBITRATION, ADJUDICATION & DISPUTE ADJUDICATION BOARD MEMBER:**

Upto 5,000,000.00	Kshs.300,000.00
5,000,001.00 to 10,000,000.00	Kshs.295,000.00 + 2% of the amount, in excess over 5,000,000.00
10,000,001.00 to 50,000,000.00	Kshs.495,000.00 + 1.5% of the amount in excess over 10,000,000.00
50,000,001.00 to 100,000,000.00	Kshs.975,000.00 + 1.0% of the amount in excess over 50,000,000.00
100,000,001.00 to 500,000,000.00	Kshs.1,475,000.00 + 0.5% of the amount in excess over 100,000,000.00
500,00,001.00 to 1,000,000,000.00	Kshs.3,485,000.00 + 0.3% of the amount in excess over 500,000,000.00
1,000,000,001.00 to 5,000,000,000.00	Kshs.4,985,000.00 + 0.2% of the amount in excess over 1,000,000,000.00
5,000,000,001.00 and over	Kshs.9,995,000.00 + 0.1% of the amount in excess over 5,000,000,000.00

MEDIATION/CONCILIATION:

Parties may agree on an ad valorem of up to 2% of the subject matter.

III. NOTES:

- The ad valorem or hourly rates of fees indicated above are guidelines for arbitration, adjudication, DABs and mediation.*
- These guidelines also apply to witnesses and party representatives except where Kenya's Advocates Remuneration Order, Architects & Quantity Surveyors Act (Cap 525), Engineers Act, 2011 or any other statute or regulations as are applicable.*
- The above experience relates to experience as a practising arbitrator, adjudicator, or mediator, which must be disclosed to the Parties if they ask for it.*
- It is advisable to harmonize the fees and other terms with respect to the individual members of a two — or three-person arbitration tribunal or dispute adjudication board and pay the Chair or umpire an hourly rate of up to 33% more.*
- Where deposit security is required, we recommend an amount equivalent to 100-200 hours or more, depending on the circumstances.*
- Where a retainer is appropriate, we recommend a monthly rate equivalent to fees for up to 3 days, depending on the circumstances.*

C: APPROVAL & EFFECTIVE DATE**1. APPROVAL DATE:**

The CIARB Kenya Fee Guidelines were approved by the Institute's Board of Directors on 31 July 2024 and supersede any previous guidelines/recommendations.

2. EFFECTIVE DATE:

The CIARB Kenya Fee Guidelines/recommendations are effective from 1 August 2024.

Signed by: _____

CIARB KENYA CHAIRMAN
FCS Jacqueline Waihenya C.Arb/FCI Arb