


Saudi Arabia: Unofficial English Translation Of The Implementing Regulations To The Saudi Arbitration Law

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Article 1

For the purposes of implementing the law and its implementing regulations, the following words and expressions shall have the meanings stated beside each of them:

The Law: The Arbitration Law.

The Regulations: The Implementing Regulations to the Arbitration Law.

Article 2

For the purposes of the application of the Law and the Regulations, the court of competence mentioned in the Law and the Regulations shall refer to the Court of Appeal originally competent to hear the dispute, other than the cases mentioned in Paragraph 1 of Article 9 and in Article 12 and also at the end of Paragraph 3 of Article 40 of the Law.

Article 3

1. Subject to what is stated in the Law concerning notices, notices can take place through electronic means.
2. In respect of matters for which no specific rule has been stated, the durations specified in the Law and the Regulations shall commence on the day following the serving of the notice, unless the parties to the arbitration have agreed otherwise. If the last day coincides with an official holiday in the place of residence or work of the recipient, the duration shall be extended to the following work day and, otherwise, vacation days shall be computed as part of the duration.

Article 4

The party requesting the appointment of an arbitrator by the competent court shall attach to his request a copy of the arbitration request and a copy of the arbitration agreement.

Article 5

1. If a challenge application is submitted in his regard, the arbitrator may decline to hear a dispute without having to justify the motives for his decision to do so, and this shall not be deemed as an admission on his part of the correctness of the reasons stated in support of the challenge application.
2. Challenge applications shall not be accepted following the end of the pleadings.

Article 6

If the role of the arbitrator ends in those events mentioned in Article 19 of the Law (other than in the case of his recusal), the arbitration proceedings shall be suspended until the appointment of a substitute arbitrator in accordance with the Law.

Article 7

1. A copy of the arbitration agreement shall be deposited with the arbitrator – as per the circumstances – at the Saudi arbitration center or at an arbitration commission, organization or center.
2. When determining the fees of the arbitrators, the Court shall have the right to request a copy of the agreements made with the arbitrators, if any are in place.

Article 8

If the parties to the arbitration do not agree on the procedures to be followed by the arbitration panel, and if the panel has chosen those procedures which it deems suitable pursuant to Paragraph 2 of Article 25 of the Law, the panel must inform the parties to the arbitration of these procedures at least 10 days before applying them.

Article 9

1. The claimant must include in the arbitration request mentioned in Article 26 of the Law the following information:
2.
 - a. His name and the name of his representative (if there is one), the profession of each of them, his nationality, his residence, his address and contact details.
 - b. The name of the other party to the arbitration.
 - c. a brief summary of the contractual relationship, the arbitration agreement, and the subject of the dispute and its facts and the circumstances that lead to the submission of the arbitration request.
 - d. A summary containing the claimant's requests for relief.
 - e. A proposal for the appointment of a sole arbitrator in the event that no provision was made regarding the constitution of the arbitration panel (and that a single arbitrator [is required]), or, [otherwise] a notice for the appointment of the claimant's nominated arbitrator if the arbitration panel is composed by three or more members.
3. Any dispute concerning the adequacy of the information included in the arbitration request shall not prevent the constitution of the arbitral panel. The panel shall resolve [any] such dispute.

Article 10

If the arbitral panel is composed of a single arbitrator and the parties to the arbitration have failed to appoint him, the competent court shall be responsible for his selection at the request of the party interested in expediting the matter. [The appointment shall be

made] within fifteen days from the date when that request is submitted to the competent court.

Article 11

If there are multiple parties to the arbitration, the procedures shall start as from the day on which the last party receives the arbitration request.

Article 12

1. In its decision to appoint an expert, the arbitration panel must specify his mission, the urgent measures that he has the right to take, the time limit by which he must deliver his report, the assessment of his fees, the value of any advance to be deposited in his expenses account, and the name of the person in charge to make such deposits and the time specified for such.
2. If the party assigned to deposit the amount of the advance fails to deposit it and if the other party also fails to deposit it [in default of payment by the assigned party], the expert shall not be deemed obliged to complete his mission and the arbitral panel may proceed with the proceedings. The assigned party may not invoke the decision to appoint the expert if the arbitral panel finds that his failure to make the deposit was unacceptable.
3. The arbitral panel may replace the expert or take whatever [measure] it deems appropriate if he fails to deliver his report without a justifiable reason.

Article 13

The arbitral panel may agree to the intervention of a third party other than the parties to the arbitration. [The arbitral panel may also agree to the joinder of a third party,] following the acceptance by the parties to the arbitration and that of party the joinder of whom is requested.

Article 14

1. The chairman of the arbitral panel shall pronounce the decision following the closing of the pleadings.
2. Prior to the pronouncement of [an award] and by way of a decision to be notified to the parties to the arbitration, the arbitral panel may reopen the pleadings after their closing.

Article 15

The arbitration agreement shall not end with the issuance of a decision by the arbitration panel to end the arbitration proceedings, unless the parties agree otherwise.

Article 16

The rules applicable by law concerning the arbitral award shall also be applicable concerning the additional arbitral award, with the exception of the timeframe during which the additional arbitral rule must be rendered.

Article 17

1. The appeal against a judgment issued for the annulment of an arbitral award (as mentioned in Paragraph 2 of Article 51 of the Law) shall be before the Supreme Court.
2. The competent authority mentioned in Paragraph 3 of Article 55 of the Law shall be the Supreme Court.

Article 18

1. An annulment request shall not be accepted if the party requesting it has waived his right to submit such a request following the issuance of the arbitral award.
2. The party requesting annulment must attach the following to its request:
3.
 - a. The original of the arbitral award or an attested copy thereof.
 - b. A true copy of the arbitration agreement.
 - c. A translation of the arbitral award in Arabic, attested by an authorized body, if it was issued in a foreign language.

Article 19

These Regulations shall be published into the Official Gazette and shall enter into force as from the date of their publication [in the Official Gazette].