

LCA ERP RULES

1. Commencement of Arbitration

- i. Where the parties have entered into an arbitration agreement to which these rules apply before a dispute arises, the Claimant shall complete the LCA "Notice of Arbitration" form. (e-copy available on the LCA website).
- ii. In addition to the completed Notice of Arbitration form, the Claimant may supply by additional documents as appropriate the following relevant particulars:
 - a) The names and contact details of the parties;
 - b) Identification of the arbitration agreement that is invoked;
 - c) Identification of any contract or other legal instrument out of

or in which the dispute arises or, in the absence of such contract or instrument a brief description of the relevant relationship;

- d) Statement of the claim and an indication of the amount involved, if any;
- e) The relief or remedy sought
- f) The name, address, telephone number(s) and email address of the Claimant's representative;
- g) Payment of the fee prescribed in the Schedule of Registration Fees and administrative charges of the LCA;
- h) confirmation that copies of the notice have been, or are being simultaneously, served on all other parties to the arbitration by one or more means of service to be identified in such confirmation.

- i) The Notice may also include an indication that the dispute should be resolved under the express resolution procedure.
- iii. The form shall be dated and signed by the party or its expressly authorised representative.
- iv. The arbitration commences when the Respondent receives or acknowledges the Notice of Arbitration.
- v. Where there has been no previous arbitration agreement a party wishing to commence an arbitration under these rules (the Claimant) shall complete a Request for Arbitration Form (e-copy available on the LCA website).
- vi. In addition to the completed Request for Arbitration form, the Claimant may supply by additional documents

as appropriate the relevant particulars listed in article 1 (ii) (a)-(i) above and shall deliver them to the other party (the Respondent) and to the secretariat of the LCA:

- vii. The form shall be dated and signed by the party or its expressly authorised representative.
- viii. The arbitration commences when the LCA confirms in writing that it has received the original Request for Arbitration form as signed by both parties and has accepted the arbitration request.
- ix. Where the parties have commenced arbitration under the LCA arbitration rules or the arbitration rules of another arbitration institution or law and decide thereafter to opt-into the LCA ERP, the arbitration will be deemed to commence when both parties have signed the LCA ERP

Submission form-(e-copy available on the LCA website) and the Claimant has served on the Respondent the documents listed in Article 1(ii) (a)-(i).

2. Calculation of Periods of Time

For the purpose of calculating a period of time under these Rules, such period shall begin to run on the day following the day when a notice is received. If the last day of such period is an official holiday or a non-business day at the residence or place of business of the addressee, the period is extended until the first following business day. Otherwise than as above official holidays or non-business days occurring during the running of the period of time are included in calculating the period.

3. Administration

The LCA shall administer the reference under these rules and the costs of such administration shall be included in administrative costs assessed on and paid by the parties or either of them.

4. **Delivery of Processes**

Any processes to be delivered under these Rules may be sent by courier, email, fax or hand delivery provided that such delivery can be proved by the method employed.

5. **Notice of Defense**

- i. The Respondent shall have 10 days from the day of commencement of arbitration to deliver a notice of defense to the claim.
- ii. In support of any notice of claim or defense, a party shall provide as may be necessary the following:

- a) adequate notice of all claims or defenses as applicable;
- b) a separate section identifying the parties' relationship;
- c) a separate section identifying the significance of the dispute to that relationship;
- d) a separate section articulating the desired result or claim for relief;
- e) a separate section listing names and addresses of all reasonably potential witnesses;
- f) a separate section identifying the location and the categories of all documents in the party's possession, custody or control that may be relevant to the dispute;

g) a statement of any subject matter expertise the party believes is needed for a just resolution.

- iii. Any counterclaim shall be asserted with the notice of defense. The counterclaim and notice of defense to the counterclaim shall follow the procedures set forth above.
- iv. The notice of defense shall be delivered directly to the Claimant or its representative and a copy of same submitted at the LCA

6. Reply

- i. Upon receipt of the Respondent's defence and where applicable any counterclaim the Claimant has 5 days within which to submit a response along with any documentation in support and to deliver a copy to each of the Respondent and to the

secretariat of the LCA. The response must be restricted to points arising from the Respondents defence or counterclaim.

- ii. The Claimant may not include any new points of claim.

7. **Selection of Arbitrator**

- i. By selecting these rules of procedure, the parties are agreeing that a single arbitrator shall hear and decide the dispute and both parties will be deemed to have requested the President of LCA to select the single arbitrator.
- ii. No later than five days after the issues have been joined through service of the last due notice of defense, the President of LCA shall appoint an arbitrator to decide the dispute.

- iii. The LCA shall notify the parties in writing of the arbitrator appointed.
- iv. Any arbitrator appointed shall act in accordance with the provisions of the LCA Arbitration Rules and guidelines for arbitrators issued by LCA from time to time and shall remain at all times independent of any of the parties and shall determine the dispute in an impartial and timely manner.
- v. The arbitrator shall commit to hold hearings and render an award within the time periods established by these Rules.
- vi. If an arbitrator is unable to act for any reason(s) the President of the LCA shall appoint another arbitrator to act in his/her place within five days of notification of such inability.

8. **Review of Award**

Before the publication of any award the Arbitrator shall submit same to the LCA in draft for review as to form only. The review shall not extend the time in which an award is to be delivered.

9. **Seat of Arbitration**

An arbitration under these rules will be deemed to have its seat and venue in Lagos and be conducted under the rules of the LCA and the Laws of Lagos State of Nigeria.

10. **Preliminary Meeting**

Within 5 days of appointment, the arbitrator shall hold a preliminary meeting in order to resolve any issues that may delay the decision of the dispute and to give order for directions required to fix the time table for the conclusion of the reference.

- i. The arbitrator shall also decide at this conference whether the arbitration will proceed on a documents only basis or hearing and the manner of the hearing whether video conference, telephone conference or physical meeting.
- ii. Where the arbitrator decides to proceed with a hearing the hearing shall be limited to just 1 day.
- iii. The arbitrator may hold one or more conferences in the arbitrator's discretion so long as such further conference will not alter the timetable.

11. **Limited Discovery**

- i. Except as otherwise ordered by the arbitrator, discovery shall be limited to the exchange of documents.
- ii. Upon date(s) established by the arbitrator, each party may serve on the other as may be necessary for proving their respective case:
 - a) all non-privileged hardcopy and electronic documents that they reasonably believe are relevant to any issue to be resolved in the arbitration;
 - b) a privilege log with a sufficient description so that the assertion of privilege can be appropriately

evaluated by the non-producing party and the arbitrator;

- c) in addition, each party may serve a list of particular categories of documents needed with respect to the dispute, which list shall attempt to be as specific as reasonably practicable, and each party shall then serve in response a statement of whether the initial production included the requested documents and, if not, whether the production will be supplemented or whether there is an objection thereto;
- iii. Any documents not produced two weeks prior to the arbitration hearing may not be used by the producing party at the hearing, except for rebuttal documents, which may be admitted in the discretion of the arbitrator.

12. **Neutral Expert**

- i. If the arbitrator deems it appropriate, the arbitrator may appoint an independent neutral expert to assist the arbitrator in gathering facts necessary to a full resolution by direct interviews with party representatives prior to the hearings.
- ii. The neutral expert shall render his report in writing with copies to each party.
- iii. The cost for the neutral expert shall be shared by the parties.

13. **Hearing**

- i. Where the arbitrator decides to proceed with a hearing, the hearing may be held or witnesses presented by video conference or such other manner as the arbitrator deems appropriate.

- ii. The arbitrator may impose a timed hearing with equal time for either party to present its evidence. In any timed hearing, a party may present a witness on direct examination through an affidavit. The arbitrator may also limit the number of experts to be presented by the parties.
- iii. The arbitrator shall determine the appropriate procedures for the arbitration bearing in mind that the parties selected fast track arbitration to achieve a fast, equitable solution without the formalities required by judicial processes.
- iv. The parties shall produce such evidence as the arbitrator deems necessary to understand and to determine the matters in dispute. The arbitrator shall have the power to subpoena witness or documents upon request or either party or as deemed necessary by the arbitrator.

- v. Unless the parties have otherwise jointly consented, hearings will be held not later than 35 days from the day of commencement of arbitration. The hearing shall be for 1 day.
- vi. If the parties have related agenda items pending in mediation, at the request of either party, the mediator (if separate from the arbitrator) may attend any of the arbitration sessions.

14. Close of proceedings

- i. The arbitrator shall declare the proceedings closed when he/she is satisfied that the parties have had a reasonable opportunity to present their cases. In exceptional circumstances, prior to the making of the final award, the Arbitrator may reopen the proceedings on the Arbitrator's own motion, or on the application of a party.

ii. In any event the arbitrator shall declare the proceedings closed not later than 35 days from the date of commencement of arbitration

15. Review of the Award

- i. No arbitral award may be made by the arbitrator, prior to it being approved with regard to its form by the LCA
- ii. Within 14 days of the close of proceedings and prior to signing the award, the arbitrator shall send it to the LCA Secretariat in the form of a draft. The LCA may make recommendations with regard to the formal requirements of the award, but without prejudice to the freedom of decision-making by the arbitrator,

it may also underline certain matters of procedural or material legal nature.

- ii. The LCA shall give the arbitrator a time limit to consider its recommendations and remarks and submit the draft of the arbitral award for a new review. This time shall not exceed 5 days.

16. Mediation

- i. Within the 14 day period referred to in Article 15 above, the arbitrator may refer any portion of the dispute to mediation before rendering an award. Mediation will be conducted in accordance with LCA mediation guidelines.
- ii. If the dispute is referred to mediation the time table shall be suspended until mediation is concluded.

17. Award

- i. The award shall be rendered within 21 days of the close of proceedings.
- ii. The arbitrator will render a written reasoned award.
- iii. If the award is rendered before the expiration of the fourteen day period referred to in Article 15 above, then the LCA shall notify the parties two business days before publication of the award in order to afford the parties time to resolve any dispute directly.

18. **Costs**

it is presumed that all costs shall be borne equally by the parties but the arbitrator may in the award and for good reason apportion costs unequally as the arbitrator deems appropriate.

NOTE:

These rules may be revised from time to time and the Rules in force at the time an arbitration commences shall govern the proceedings.

NOTICE OF ARBITRATION
Under The Rules Of The Lagos Court Of
Arbitration (LCA) Express Resolution
Procedure Rules

To: Respondent

..... of (Address)

Telephone

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E-mail:

E-mail:

The Claimant

66(A-1.1-1)

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Telephone

E-mail:

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Hereby gives you notice that the
following dispute which has arisen
between us be referred to arbitration in
accordance with the provision of LCA
Arbitration Clause of our agreement
dated the and be
determined under the rules of the LCA
EXPRESS PROCEDURE RULES.

The dispute pertains to:-

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Digitized by srujanika@gmail.com

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Attached herewith are the following:-

- (a) Statement of Case
- (b) Additional Documents (list any other enclosed)

Additional Documents Signed Copy to: -
The President, Lagos Court of
Arbitration.

This Form applies where there is an existing arbitration agreement between the parties or have signed and submitted the Application for Arbitration Form.

REQUEST FOR ARBITRATION
FORM

Under The Rules Of The Lagos Court Of
Arbitration (LCA) Express Procedure
Rules (ERP)

APPLICATION FOR ARBITRATION

To: LCA

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.....Claimant of

Address)

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Tel

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E-mail:

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and

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Respondent of (Address)

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Tel

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E-mail:

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Hereby apply to the LCA for the
following dispute to be referred to
arbitration under the current Rules of
the LCA Express Resolution Procedure
for determination by an Arbitrator
appointed by the President of the LCA.

The dispute pertains to:

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The amount claimed is

N.....

..... and the amount (if any) Counter
claimed is

N.....

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We, the parties to this application, have
read the current Express Procedure
Rules. We agree to be bound by these
Rules and by the award of the Arbitrator
appointed to determine the dispute.

We require this dispute to be resolved
by arbitration.

A cheque to the sum of

..... in respect of the
administrative fee is enclosed.

Signed

Date (by or for the
Claimant)

Signed

Date (by or for the
Respondent)

Cheques or transfer should be in favour
of the "Lagos Court of Arbitration".

COSTS SCHEDULE

ERP Arbitrator's Fee

| Sum in Dispute | Arbitrator's fee |
|-----------------------------|------------------|
| N100,000-N500,000 | N27,000 |
| N500,000- N2,000,000 | N150,000 |
| N2,000,001- N5,000,000 | N300,000 |
| N5,000,001- N10,000,000 | N450,000 |
| N10,000,001- N18,000,000 | N600,000 |

Where the sum in dispute is above N18,000,000 the Arbitrators Fee Schedule that applies to the LCA Arbitration Rules would apply though the arbitration is conducted under the **ERP**.

ERP Administrative Fee

| Sum in Dispute | Administrative fee |
|------------------------|--|
| N100,000- N500,000 | 10% of sum in dispute subject to a minimum of N25,000 |
| N500,000- N2,000,000 | 10% of the sum in dispute subject to a minimum of N75,000 |
| N2,000,001- N5,000,000 | 10% of the sum in dispute subject to a minimum of N225,000 |

Where the sum in dispute is above N5,000,000 the Administrative fee schedule that applies to the LCA Arbitration Rules would apply though the arbitration is conducted under the **ERP**

ABOUT THE LCA

THE Lagos Court of Arbitration (LCA) is an independent, private sector driven international centre for the resolution of commercial disputes via arbitration and other forms of alternative dispute resolution (ADR).

It was established under the Lagos Court of Arbitration Law, No. 17, 2009 to provide institutionalised arbitration and ADR services. To achieve its mandate, the LCA was empowered to appoint an arbitral tribunal in respect of any dispute referred to it and maintain a panel of neutrals which consist of arbitrators, mediators and other experts with the requisite skills and experience to meet set functions. The expertise of the LCA spans multiple industries including, oil and gas, finance, maritime, construction, engineering, telecommunications, hospitality and tourism, insurance, etc.

The LCA Arbitration Rules and ADR Guidelines incorporate international best practices and standards with industry-specific requirements and needs.

LCA DISPUTE RESOLUTION CLAUSE

“ANY dispute arising out of or in connection with the interpretation of the provisions of this Agreement or the performance of same, shall be submitted to the Lagos Court of Arbitration and shall be resolved under the Rules of the Lagos Court of Arbitration.

The dispute shall be resolved by a sole arbitrator, except as otherwise agreed by the parties to be by a tribunal of three arbitrators. The appointment of the Arbitrator(s) shall be in accordance with the said Rules, and the

Award/Decision of the arbitrator(s) shall be final and binding on the parties. The seat of the arbitration shall be Lagos, Nigeria and the language to be used in the arbitral proceedings shall be English."