



المركز السعودي للتحكيم التجاري
Saudi Center for Commercial Arbitration

SCCA Secretary Regulations

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General provisions

- 1- These Regulations sets out the instructions regarding the appointment, duties and remuneration of a secretary appointed by an arbitral tribunal (the “Tribunal”) in arbitrations administered by the Saudi Center for Commercial Arbitration (the “SCCA”).
- 2- Each arbitrator and secretary appointed by a Tribunal undertakes to comply with the provisions contained in these Regulations.
- 3- The SCCA may interpret the terms as well as the scope of application of these Regulations.
- 4- In the event of any discrepancy or inconsistency between these Regulations and any contrary provisions of the parties’ arbitration agreement or mandatory provisions of the applicable law, those provisions shall prevail.
- 5- Secretaries appointed in cases administered by the SCCA are expected to read and uphold these Regulations before starting their work and sign a statement of commitment to that effect.

Appointment of a Secretary

- 6- A Tribunal may appoint a secretary or remove him, when deemed appropriate, at any stage of the arbitration.
- 7- A Tribunal shall carefully consider whether the circumstances of a particular case are such as to justify the appointment of a secretary. In general, the use of a secretary should increase the cost-efficiency of the proceedings and allow the Tribunal to better focus on the resolution of the merits of the dispute, thereby contributing to the quality of the award. This may be the case, in particular, in complex arbitrations involving a number of different parties, claims,

witnesses and/or extensive documentary evidence. Conversely, the use of a secretary is generally inappropriate in low-value cases where the legal or factual issues at dispute appear straightforward.

- 8- Before appointing a secretary, the Tribunal shall consult with the parties. If the parties object to the use of a secretary, the Tribunal may proceed with the appointment only where the Tribunal is convinced that this will benefit all parties by saving time and costs.
- 9- A secretary shall meet the same requirements of impartiality and independence as any arbitrator. Prior to his or her appointment, a proposed secretary shall (a) sign a declaration confirming his availability to assist the arbitral tribunal, and his impartiality and independence; and (b) disclose in writing any circumstances likely to give rise to justifiable doubts as to his or her impartiality or independence.
- 10- Within the time limit set by the Tribunal, the parties shall inform the Tribunal in writing of any objections they may have with respect to the secretary's impartiality or independence. The Tribunal shall promptly decide such objections. If the Tribunal sustains the objection, the secretary shall be replaced.

Duties of a Secretary

- 11- A tribunal secretary shall act upon the Tribunal's instructions and under its supervision. He shall strictly follow tribunal orders. A tribunal secretary shall not exceed the scope of the tasks assigned to him. The Tribunal shall, at all times, be responsible for the secretary's actions in connection with the arbitration.
- 12- The mandate of an arbitrator is personal. By accepting appointment, an arbitrator undertakes not to delegate the mandate to any other person, including any tribunal-appointed secretary. An ar-

bitrator may under no circumstances rely on a secretary to perform any essential duties of an arbitrator.

- 13- A secretary shall assist the Tribunal by performing administrative tasks, such as transmitting documents and communications on behalf of the Tribunal, organizing meetings and hearings, taking notes or minutes of meetings, recording witness testimonies at a hearing and preparing and maintaining case file.
- 14- A secretary should maintain case files assigned to him. He should maintain documents and submissions submitted by the parties as well as Tribunal orders, decisions and communications in an organized and accessible manner. He should use access codes to facilitate documents retrieval by Tribunal if requested.
- 15- The secretary should prepare for Tribunal hearings including booking hearing rooms, ensure the necessary logistics are in place and informing the parties in case of hearing rescheduling.
- 16- The secretary should prepare hearing minutes according to Tribunal instructions. The hearing minutes shall contain the following data:
 - a) Date and time of the opening and closure of the hearing;
 - b) Case data;
 - c) Names of Tribunal members, parties and their representatives, witnesses and experts attending the hearing;
 - d) Power of attorney of parties' representatives.
- 17- Unless the Tribunal decides otherwise, the secretary shall send the draft minute to the parties and the Tribunal members for comments and notes before submitting it to the president of the Tribunal for final approval and signature. The secretary also shall sign the minutes.

- 18- In addition, a secretary may provide limited assistance to the Tribunal in its decision-making process, as long as the Tribunal ensures that the secretary does not assume any decision-making function of the Tribunal, or otherwise influence the Tribunal's decisions in any manner. Such assistance may include, but is not limited to, the following tasks:
- a) proofreading and checking the accuracy of cross-references, citations, dates and other figures in draft procedural orders and awards as well as correcting any clerical, typographical or computational errors found in the drafts;
 - b) collecting case law or published commentaries on legal issues defined by the Tribunal, preparing summaries from case law and publications.

Prohibitions

- 19- The secretary shall not attend Tribunal deliberations unless the arbitral tribunal directs otherwise
- 20- A tribunal secretary shall not have any ex parte communication with any party unless the Tribunal directs otherwise.
- 21- A secretary is under the same obligation as an arbitrator to maintain the confidentiality of the arbitration and the award.
- 33- The secretary shall not receive any gift or compensation in return of performing his duties.

Exclusion of Liability

- 23- A tribunal secretary shall not be liable for any act or omission in connection with the arbitration, except where such act was done or omitted to be done dishonestly. A tribunal secretary shall not

be under any obligation to make statements to any person about any matter concerning the arbitration, nor shall a party seek to make the secretary a party or witness in any legal or other proceedings arising out of the arbitration, unless the applicable law provides otherwise.

Remuneration of a Secretary

- 24- The Tribunal shall determine the total fees and expenses of a tribunal secretary. Where a tribunal secretary is removed, the arbitral tribunal shall decide the amount of fee and expenses payable for the removed secretary's services, having taken into account the circumstances of the case.
- 25- Fee of a tribunal secretary shall form part of the Tribunal fee. Where the arbitral tribunal is composed of three arbitrators, the fee of a tribunal secretary shall in principle be shared equally among the members of the Tribunal, unless the Tribunal decides otherwise.
- 26- Parties are liable to reimburse the secretary's reasonable expenses incurred in connection with the arbitration, such as reasonable travel and accommodation costs related to the attendance at a hearing.
- 27- Any fee or expenses payable to a secretary shall be stated in the final award, consent award or order for the termination of the arbitration. The Tribunal shall allocate the costs in accordance with article 34 of SCCA arbitration rules.

