



SCMA PROCEDURES FOR AUTHENTICATING AND CERTIFYING SCMA ARBITRAL AWARDS

A Procedure for authenticating original awards

- 1 In accordance with SCMA Rule 6.7, the Tribunal shall inform the SCMA of its appointment with 7 days of its appointment. When doing so the Tribunal is asked to provide the following information: names of the arbitrator(s) forming the Tribunal, the names of the lawyers representing the parties, brief nature of the dispute and approximate amount in dispute and the nationality of the parties, but not the names of the parties.
- 2 Within 7 clear working days of the Tribunal informing the SCMA of its appointment, the SCMA shall provide each member of the Tribunal with the SCMA case reference number.
- 3 In accordance with SCMA Rule 36, the Tribunal shall send a copy of the Award to SCMA within 14 days from collection by one of the parties. The Award shall state its date and be signed by a majority of the members of the Tribunal.
- 4 The Tribunal should mention the SCMA case reference number, but if not the SCMA should request this within 14 clear working days of the receipt of the copy of the Award.
- 5 As a precaution, the SCMA will within 14 clear working days of receipt of the copy of the Award, contact in writing or in person one of the members of the Tribunal for reconfirmation that this is an accurate and complete copy of the Award and that the Award has been collected.
- 6 A party to the arbitration or its appointed representative may apply in writing to the SCMA to authenticate the original Award. The applicant must provide an original of the signed Award and the SCMA case reference number.
- 7 Within 7 clear working days of receiving a complete application, the SCMA shall check that the original of the Award submitted is the same as the copy retained by the SCMA as per paragraph 3 above.
- 8 If the original Award is the same as per paragraph 7 above, the Registrar or Chairman of the SCMA shall authenticate the original Award within 7 clear working days of the SCMA receiving the complete application.
- 9 The SCMA shall retain a copy of the original Award that has been authenticated.

B Procedure for certifying copies of the original Award

- 1 A party to the arbitration or its appointed representative may apply in writing to the SCMA for a certified copy of the original authenticated Award. The applicant must provide the SCMA case reference number.
- 2 If the SCMA has authenticated the original Award, within 7 clear working days of receiving a complete application, the SCMA shall provide a certified copy of the authenticated original Award.
- 3 If the SCMA has not authenticated the original Award, within 7 clear working days of receiving a complete application, the SCMA will decline to provide a certified copy until the original Award has been provided to the SCMA for authentication. The procedure for authentication is that in Part A above.

C Procedure for authenticating the original arbitration agreement

- 1 A party to the arbitration or its appointed representative may apply in writing to the SCMA to authenticate the original arbitration agreement. When doing so the applicant must provide the original arbitration agreement together with either (i) written confirmation from a majority of the Tribunal that the arbitration agreement is the agreement under which the dispute was submitted to arbitration, or (ii) otherwise evidence this to the satisfaction of SCMA by reference to the agreement and to the Award.
- 2 Within 7 clear working days of receiving a complete application, the SCMA shall make a determination whether the original arbitration agreement is the agreement under which the dispute was submitted to arbitration.
- 3 If the SCMA makes a determination that the original arbitration agreement is the agreement under which the dispute was submitted to arbitration, the Registrar or Chairman of the SCMA shall authenticate the original arbitration agreement within 7 clear working days of the SCMA receiving the complete application.
- 4 The SCMA shall retain a copy of the authenticated original arbitration agreement,
- 5 If the SCMA makes a determination that the original arbitration agreement is not the agreement under which the dispute was submitted to arbitration, the Registrar or Chairman of the SCMA shall so notify the applicant within 7 clear working days of the SCMA receiving the complete application. The SCMA is under no obligation to do so, but can give reasons to the applicant for its determination.

D Procedure for certifying copies of the original arbitration agreement

- 1 A party to the arbitration or its appointed representative that applies to the SCMA to authenticate the original arbitration agreement, may also apply to the SCMA to certify copies of that agreement. The SCMA will certify copies of the agreement at the same time that it authenticates the agreement.
- 2 If the original arbitration agreement is not available, a party to the arbitration or its appointed representative may apply in writing to the SCMA to certify copies of the original arbitration agreement. When doing so the applicant must provide copies of the original arbitration agreement together with either (i) written confirmation from a majority of the Tribunal that the arbitration agreement is the agreement under which the dispute was submitted to arbitration, or (ii) otherwise evidence this to the satisfaction of SCMA by reference to the agreement and to the Award.
- 3 Within 7 clear working days of receiving a complete application, the SCMA shall make a determination whether the original arbitration agreement is the agreement under which the dispute was submitted to arbitration.
- 4 If the SCMA makes a determination that the original arbitration agreement is the agreement under which the dispute was submitted to arbitration, the Registrar or Chairman of the SCMA shall certify the copy of the arbitration agreement within 7 clear working days of the SCMA receiving the complete application.
- 5 The SCMA shall retain a copy of the copy of the original arbitration agreement submitted.
- 6 If the SCMA makes a determination that the original arbitration agreement is not the agreement under which the dispute was submitted to arbitration, the Registrar or Chairman of the SCMA shall so notify the applicant within 7 clear working days of the SCMA receiving the complete application. The SCMA is under no obligation to do so, but can give reasons to the applicant for its determination.