



المركز السعودي للتحكيم التجاري
Saudi Center for Commercial Arbitration


Internal Rules of the SCCA Court

effective 1 July 2023

Article 3: SCCA Court



The SCCA Court is a body independent of the SCCA, which performs certain functions set forth in the Rules and **the Internal Rules of the SCCA Court**.

Except where the Rules state otherwise, the decisions of the SCCA Court shall be final and binding upon the parties and the Arbitral Tribunal. The parties waive any right of appeal or review in respect of the decisions of the SCCA Court. 

Internal Rules of the SCCA Court

Article 1: Composition

1. The SCCA Court shall comprise no less than 12 members ("Court Members"), including a President and one or more Vice Presidents.
2. The Chief Executive Officer shall appoint Court Members upon the recommendation of the President and Vice Presidents. The Chief Executive Officer shall elect the President, who, in turn, shall elect the Vice Presidents from among the Court Members.
3. Court Members shall be appointed for a term of three years. They shall be eligible for reappointment, provided that no member shall serve more than two consecutive full terms, unless that member is proposed for election as President or Vice President for an additional term. If a Court Member resigns or can no longer fulfill his or her mandate before the term ends, the Chief Executive Officer shall appoint a successor to serve for the remaining duration. In case the outgoing Court Member was a Vice President, the President shall elect a new Vice President to serve for the remaining duration.
4. Court Members undertake their duties pro bono but are eligible for reimbursement by the SCCA for reasonable expenses incurred.

Article 2: Authority and Functions

1. The SCCA Court operates independently of the SCCA Board of Directors and its members, the SCCA Committees and their members, and the SCCA and its employees, as stipulated in Article 3(1) of the SCCA Arbitration Rules (the "Rules"). Its authority to carry out specific functions is derived from the Rules, and it shall fulfill these functions autonomously, free from any interference from the aforementioned bodies or individuals
2. The functions of the SCCA Court, as outlined in the Rules and its appendices, include items such as the:
 - a) Determination, in the event of objections, of whether claims arising out of or in connection with multiple contracts or arbitration agreements presented in a single Request for Arbitration may proceed as a single arbitration;
 - b) Consolidation of two or more arbitrations;
 - c) Determination of disputes concerning the number of arbitrators;

- d) Direct appointment of arbitrators (including emergency arbitrators) and designation of the presiding arbitrator;
 - e) Confirmation of arbitrator nominations;
 - f) Revocation of arbitrator nominations or appointments and reconstitution of the Arbitral Tribunal;
 - g) Determination of arbitrator challenges and arbitrator removals;
 - h) Determination of the place of arbitration;
 - i) Review of any awards;
 - j) Fixing of the advance deposits for costs and establishment of payment modalities; and
 - k) Fixing of the SCCA administrative fees and expenses and the Arbitral Tribunal fees and expenses.
3. Unless the Rules state otherwise, the decisions rendered by the SCCA Court shall be final and binding upon the parties involved and the Arbitral Tribunal.

Article 3: Meetings and Decision-Making

1. The SCCA Court convenes in plenary during scheduled sessions or when requested by the President. To make decisions in plenary, a minimum of eight Court Members must be present, including the President or, in the President's absence, a Vice President. Court Members may be present in person or by remote connection. The SCCA Court is empowered to decide on matters outlined in Article 2(2). Decisions are reached through a majority vote, with the President or, in the President's absence, a Vice President holding the casting vote in the event of a tie. The Chief Executive Officer and the Chief of ADR may attend any sessions at their discretion.
2. The President, at his or her discretion, may delegate decision-making functions to either (1) a regular committee, (2) a single-member committee, or (3) a special committee. The President is responsible for appointing all committee members. The President actively participates as a committee member unless he or she assigns this seat to another Court Member. By default, the President serves as the committee chair unless he or she assigns this position to another Court Member. The establishment of committees and the appointment of their members shall be promptly reported to the SCCA Court at its subsequent plenary session.

- a) A regular committee consists of three Court Members and convenes whenever requested by the President or the committee chair designated by the President. Decisions within the regular committee are made unanimously in the presence of all members. Court Members may be present in person or by remote connection. If there is a disagreement or the regular committee prefers to abstain from making a decision, the matter shall be referred to a special committee as described in paragraph 2(c) of this Article.
 - b) A single-member committee consists of the President, a Vice President, or any other Court Member. The President, at his or her discretion, may assign specific functions to a single-member committee.
 - c) A special committee consists of five Court Members and convenes whenever requested by the President or the committee chair designated by the President. Decisions within the special committee are reached by a majority vote, with the presence of at least four committee members. Court Members may be present in person or by remote connection. In the event of a tie, the President or the committee chair designated by the President has the casting vote. The special committee is responsible for deciding on matters such as:
 - 1) Matters referred to it by a regular committee, as outlined in paragraph 2(a) of this Article. Except for the President or the committee chair designated by the President, the members appointed to the special committee shall differ from those appointed to the regular committee;
 - 2) Reviewing awards that include a dissenting opinion; and
 - 3) Matters falling under Article 18(2) of the Rules.
3. The President is prohibited from serving as an arbitrator or acting as counsel in any SCCA administered cases. Additionally, the SCCA Court shall not appoint any Court Members as arbitrators. However, Court Members, excluding the President, may serve on SCCA administered cases if nominated by one or more parties involved and subject to the confirmation of the SCCA Court. In such instances, the concerned Court Member shall be excluded from any SCCA Court activities related to that specific case, including the receipt of any case-related documents.
 4. The President may delegate specific functions of the SCCA Court to the Chief of ADR, including:
 - a) Confirming party-nominated arbitrators when their Statement of Acceptance does not contain

any disclosures related to his or her impartiality or independence (Article 17 of the Rules);

- b) Authorizing advance deposits to be paid in installments or secured through a bank guarantee (Article 5(5) of Appendix I); and
- c) Appointing Emergency Arbitrators (Article 7(5) of the Rules).

Any decisions the Chief of ADR makes in this regard must be promptly reported to the SCCA Court at its subsequent plenary session.

- 5. In the event of the President's absence or incapacity to act, the Chief of ADR may request a Vice President to perform the functions typically reserved for the President.
- 6. The SCCA Court shall not be obliged to provide reasons for any decision. Where it chooses to do so, it may, at its discretion, provide written reasons for its decisions to the parties.

Article 4: Confidentiality

- 1. Unless the applicable law requires otherwise, Court Members are obliged to maintain the confidentiality of all information entrusted to them or related to discussions held during its sessions. This includes, but is not limited to, minutes, materials, correspondence, and reports.
- 2. To fulfill their responsibilities outlined in Article 2, the President and the Vice President(s) may request necessary information from the Chief of ADR. In the absence of the Chief of ADR, they may seek the assistance of the designated substitute.
- 3. The SCCA shall securely archive all decisions made by the SCCA Court in a confidential manner. Any other information shall be disposed of in a secure manner.

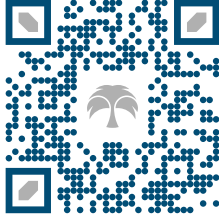
Article 5: Exclusion of Liability

Court Members shall be exempt from any and all liability toward the SCCA Board of Directors and its members, the SCCA Committees and their members, and the SCCA and its employees for any actions or omissions related to their functions and responsibilities under the Rules and its appendices, or under the Internal Rules of the SCCA Court except to the extent that such a limitation of liability is prohibited by the applicable law.

The Internal Rules of the SCCA Court may be amended from time to time at the direction of the President.



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SADR.org



+966 920003625