



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

---

---

**ARBITRATION ACT**

NO. 4 OF 1995

Revised Edition 2019 [1995]

Published by the National Council for Law Reporting  
with the Authority of the Attorney-General

[www.kenyalaw.org](http://www.kenyalaw.org)



NO. 4 OF 1995

**ARBITRATION ACT**  
ARRANGEMENT OF SECTIONS  
PART I – PRELIMINARY

*Section*

1. Short title.
2. Application.
3. Interpretation.

PART II – GENERAL PROVISIONS

4. Form of arbitration agreement.
5. Waiver of right to object.
6. Stay of legal proceedings.
7. Interim measures by court.
8. Death of a party.
9. Receipt of, written communications.
10. Extent of court intervention.

PART III – COMPOSITION AND JURISDICTION OF ARBITRAL TRIBUNAL

11. Determination of number of arbitrators.
12. Appointment of arbitrators.
13. Grounds for challenge.
14. Challenge procedure.
15. Failure or impossibility to act.
16. Termination of mandate and substitution of arbitrator.
- 16A. Withdrawal of arbitrator.
- 16B. Immunity of arbitrator.
17. Competence of arbitral tribunal to rule on its jurisdiction.
18. Power of arbitral tribunal.

PART IV – CONDUCT OF ARBITRAL PROCEEDINGS

19. Equal treatment of parties.
- 19A. General duty of parties.
20. Determination of rules of procedure.
21. Place of arbitration.
22. Commencement of arbitral proceedings.
23. Language.
24. Statement of claim and defence.
25. Hearings and written representations.
26. Default of a party.
27. Experts.
28. Court assistance in taking evidence.

PART V – ARBITRAL AWARD AND TERMINATION OF  
ARBITRAL PROCEEDINGS

*Section*

- 29. Rules applicable to substance of dispute.
- 30. Decision making by panel of arbitrators.
- 31. Settlement.
- 32. Form and contents of arbitral award.
- 32A. Effect of award.
- 32B. Costs and expenses.
- 32C. Interest.
- 33. Termination of arbitral proceedings.
- 34. Correction and interpretation of arbitral award; additional award.

PART VI – RECOURSE TO HIGH COURT AGAINST ARBITRAL AWARD

- 35. Application for setting aside arbitral award.

PART VII – RECOGNITION AND ENFORCEMENT OF AWARDS

- 36. Recognition and enforcement of awards.
- 37. Grounds for refusal of recognition or enforcement.

PART VIII – MISCELLANEOUS PROVISIONS

- 38. Effect of bankruptcy on agreement to settle differences by arbitration.
  - 39. Questions of law arising in domestic arbitration.
  - 40. Rules.
  - 41. Government to be bound.
  - 42. Repeal of Cap. 49 and saving.
-

---

**NO. 4 OF 1995**  
**ARBITRATION ACT**

[Date of assent: 10th August, 1995.]

[Date of commencement: 2nd January, 1996.]

**An Act of Parliament to repeal and re-enact with amendments the Arbitration Act and to provide for connected purposes**

[Act No. 4 of 1995, L.N. 394/1995, Act No. 11 of 2009,  
L.N. 48/2010, Act No. 19 of 2015, L.N. 105/2017.]

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Arbitration Act, 1995.

**2. Application**

Except as otherwise provided in a particular case the provisions of this Act shall apply to domestic arbitration and international arbitration.

**3. Interpretation**

(1) In this Act, unless the context otherwise requires—

“**arbitration**” means any arbitration whether or not administered by a permanent arbitral institution;

“**arbitration agreement**” means an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not;

“**arbitral award**” means any award of an arbitral tribunal and includes an interim arbitral award;

“**arbitral tribunal**” means a sole arbitrator or a panel of arbitrators;

“**party**” means a party to an arbitration agreement and includes a person claiming through or under a party.

(2) An arbitration is domestic if the arbitration agreement provides expressly or by implication for arbitration in Kenya: and at the time when proceedings are commenced or the arbitration is entered into—

- (a) where the arbitration is between individuals, the parties are nationals of Kenya or are habitually resident in Kenya;
- (b) where the arbitration is between bodies corporate, the parties are incorporated in Kenya or their central management and control are exercised in Kenya;
- (c) where the arbitration is between an individual and a body corporate—
  - (i) the party who is an individual is a national of Kenya or is habitually resident in Kenya; and
  - (ii) the party that is a body corporate is incorporated in Kenya or its central management and control are exercised in Kenya; or
- (d) the place where a substantial part of the obligations of the commercial relationship is to be performed, or the place with which the subject-matter of the dispute is most closely connected, is Kenya.