

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE ARBITRATION ACT

CHAPTER 40 OF THE LAWS OF ZAMBIA

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CHAPTER 40

ARBITRATION

An Act relating to arbitration.

3 of 1933
Government Notice
497 of 1964
Statutory Instrument
152 of 1965
[5th April, 1933]

PART I

PRELIMINARY

1. This Act may be cited as the Arbitration Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"the Court" means the High Court;

"submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

PART II

GENERAL PROVISIONS RELATING TO ARBITRATION BY CONSENT OUT OF COURT

- 3.** A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court. Submission to be irrevocable except by leave of Court
- 4.** A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the First Schedule, in so far as they are applicable to the reference under submission. Provisions implied in submissions
- 5.** The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein. Such person may be designated either by name or as the holder for the time being of any office or appointment. Reference to arbitrator to be appointed by third person
- 6.** Where any party to a submission to which this Part applies, or any person claiming under him, commences any legal proceedings against any other party to the submission or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance, and before filing a written statement, or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings. Power to stay proceedings where there is a submission
- 7. (1)** In any of the following cases: Power for Court in certain cases to appoint an arbitrator, umpire or third arbitrator
- (a) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator;
- (b) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;
- (c) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator, and do not appoint him;

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- (d) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the third party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like powers to act in the reference, and make an award, as if he had been appointed by consent of all parties.

8. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein-

Power for parties in certain cases to supply vacancy

- (a) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, or is removed, the party who appointed him may appoint a new arbitrator in his place;
- (b) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of paragraph (b).

9. (1) Where a submission provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties, then, unless the submission expresses a contrary intention-

Power as to appointment of arbitrators where submission provides for three arbitrators

- (a) if one party fails to appoint an arbitrator for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and the award of the arbitrator so appointed shall be binding on both parties as if he had been appointed by consent;
- (b) if after each party has appointed an arbitrator, the two arbitrators appointed fail to appoint a third arbitrator within seven clear days after the service by either party of a notice upon them to make the appointment, the Court may, on an application by the party who gave the notice, exercise in the place of the two arbitrators the power of appointing the third arbitrator;