

**A LAW TO ESTABLISH THE LAGOS COURT OF ARBITRATION AND FOR
CONNECTED PURPOSES**
(Law No.17)
(18th May 2009) - Commencement

Table of Content

1. Establishment of the Court of Arbitration
2. Membership of the Court of Arbitration
3. Composition of the General Meeting
4. Composition of the Board of Directors
5. The Secretariat
6. The Executive Secretary of the Board
7. General Meeting
8. Cessation of Membership of the Board
9. Functions of the Court of Arbitration
10. Powers of the Court of Arbitration
11. Annual Reports
12. Power to make Regulations.
13. Citation and Commencement

**A LAW TO PROVIDE FOR THE RESOLUTION OF DISPUTE BY
ARBITRATION IN LAGOS STATE AND FOR CONNECTED PURPOSES.(LAW
18)**

1. General Principles
2. Application.
3. Arbitration Agreement
4. Arbitration Agreement irrevocable except by agreement
5. Death of a Party
6. Power to stay Proceedings and make Preservatory Order
7. Number of Arbitrators
8. Appointment of Arbitrators
9. Umpire
10. Grounds for Challenge
11. Challenge of Arbitration Procedure
12. Removal of an Arbitrator
13. Termination of Mandate
14. Resignation
15. Death of an Arbitrator
16. Cessation of Office of an Arbitrator
17. Appointment of substitute Arbitrator
18. Immunity
19. Jurisdiction
20. Substance of Dispute
21. Power to issue Interim Measures
22. Conditions for grant of Interim Measures
23. Application for Preliminary Orders

24. Specific procedure for Preliminary Orders
25. Interim Measures and Preliminary Orders by the Arbitral Tribunal
26. Provision of Security for Preliminary Order
27. Disclosure of material change in circumstances
28. Costs and Interim Damages
29. Recognition and enforcement of Interim Measures by the Court
30. Grounds for refusing Recognition or Enforcement
31. Arbitral Procedure
32. Commencement of arbitral proceedings
33. Place and Time of Arbitration
34. Equal treatment of parties
35. Application of Limitation Laws to arbitral proceedings.
36. Language of Arbitral Proceedings
37. Points of Claim and Defence
38. Powers of the Arbitral Tribunal
39. Proceedings
40. Consolidation, Concurrent hearing and joinder of parties
41. Default of a Party
42. Power to appoint expert
43. Power to order attendance of witness
44. Decision making by Arbitral Tribunal
45. Settlement of disputes
46. Interest
47. Form and contents of Award
48. Termination of proceedings
49. Notification
50. Correction and interpretation of an Award
51. Costs
52. Deposit of costs
53. Security for costs
54. Joint liability
55. Application for setting aside of Award
56. Recognition and enforcement of Awards
57. Refusal of Recognition or Enforcement of Awards
58. Waiver of right to object
59. Extent of Court Intervention
60. Exclusion of this Law
61. Extension of time
62. Delivery and Receipt of written Communication
63. Interpretation
64. Citation and Commencement

AND FOR CONNECTED PURPOSES.

1. *Establishment of the Court of Arbitration.*

(1) There is established a body to be known as "The Lagos Court of Arbitration" (referred to in this Law as "the Court of Arbitration").

(2) The Court of Arbitration shall be private sector driven, independent of regulation, direction or control by any branch of Government.

(3) The Court of Arbitration shall consist of the:

(a) *General Meeting;*

(b) *Board of Directors; and*

(c) *Secretariat.*

2. *Membership of the Court of Arbitration.*

Membership of the Court of Arbitration shall be open to any person or body corporate of good standing with bonafide interest in Commercial Arbitration or Alternative Dispute Resolution, including but not limited to Lawyers, arbitrators, mediators, experts, academics, businessmen, Law firms, Commercial and trading organizations who have satisfied laid down conditions

including payment of an annual subscription to be determined by the Board of Directors from time to time.

3. *Composition of the General Meeting.*

Members of the Court of Arbitration shall constitute the general meeting.

4. *Board of Directors.*

(1) The initial Board of Directors shall be composed of fifteen (15) highly reputable persons who have ability, experience and specialized knowledge of arbitration and other forms of Alternative Dispute Resolution (ADR) processes.

(2) The persons shall be drawn from various fields of commerce and industry appointed in the first instance by the Governor of Lagos State on the "recommendation of the Attorney-General and Commissioner for Justice of Lagos State and subsequently by election of the General Meeting.

(3) The Board of Directors shall elect one of their members to be the "President of the Court for a term of two (2) years which term may be renewed once only.

(4) A member of the Board of Directors shall hold Office for a single term of five (5) years.

(5) A casual vacancy in the Board shall be filled only upon a unanimous vote of the remaining members of the Board from a list of persons with ability, experience or specialised knowledge.

5. *The Secretariat.*

There shall be established for the Court of Arbitration a Secretariat which shall be headed by an Executive Secretary who shall be employed by and report directly to the Board and who shall serve as Secretary to the Board of Directors of the Court of Arbitration.

6. *The Executive Secretary of the Board.*

The Executive Secretary shall be responsible for the day to day management and "administration of the Court of Arbitration.

7. *General Meeting.*

(1) The General Meeting shall be composed of persons and institutions of repute who are members of the Court of Arbitration.

(.2) The General Meeting may on the advise of the Board of Directors terminate the appointment of a member on grounds of misbehaviour or inability to discharge the duties of his Office by reason of physical or mental incapacity.

8. *Cessation of Membership of the Board.*

A member of the Board of Directors shall cease to be a member if:

- (a) he resigns his appointment as a member of the Board;
- (b) he becomes bankrupt or makes a compromise with his creditors;
- (c) he is convicted of a felony or of any offence involving dishonesty or corruption or any other criminal offence;
- (d) he becomes incapable of carrying out the functions of his office either arising from an infidelity of the mind or body; or
- (d) 2/3 majority of the members unanimously vote for his removal.

9. *Functions of the Court of Arbitration.*

The functions of the Court of Arbitration shall be to

- (a) promote resolution of disputes in the territory of Lagos State by arbitration and other Alternative Dispute Resolution mechanisms apart from litigation;
- (b) maintain a Panel of Neutrals which shall consist of Arbitrators, Mediators as well as other experts with special skills and experience in specialised areas and who are willing to be members of any Tribunal or Panel constituted by the Court of Arbitration in respect of any dispute referred to it; and
- (c) such other functions as shall be appropriate for the Court of Arbitration to assume in order to effectively carry out its main functions of resolving disputes by any other mechanism apart from litigation.

10. *Powers of the Court of Arbitration.*

For the purposes of proper discharge of its functions under this Law, the Court of Arbitration shall have powers to

- (a) acquire and dispose of any interests in land or other property;
- (b) borrow or raise money with or without security for any of the purpose of the Court of Arbitration, provided that no money shall be raised by mortgage of any real or personal property of the Court of Arbitration without such consent or approval (if any) as may be required by Law;

(c) make and carry out any arrangement for co-operation with any other organization whether incorporated or not, carrying on functions similar or complementary to any function for the time being carried on by the Court of Arbitration;

(d) employ such staff and upon such terms and conditions as may be required for the purposes of the efficient performance of the functions conferred on the Court of Arbitration under or pursuant to this Law; and

(e) perform such other functions as may be conferred upon the Court of Arbitration and its members

11. *Annual Reports.*

(1) The income and property of the Court of Arbitration shall be applied Annual solely towards the promotion of the objects and functions of the Court of Arbitration as set forth, and no portion shall be paid to or transferred directly by way of dividend, bonus or otherwise b:' way of profit to members of the Court of Arbitration, provided that nothing herein shall prevent the payment in good faith of remuneration to any officer, servant or member of the Court of Arbitration or other persons in return for any service actually rendered to the Court of Arbitration.

(2) The President of the Court of Arbitration shall, not later than 30th June in each year, submit to the General Meeting a report on the activities of the Court of Arbitration and its administration during the immediately preceding year and shall include in such report the audited accounts of the Court of Arbitration.

12. *Power to make Regulations.*

Subject to the provisions of this Law, the Board of Directors may with the approval of the General Meeting make regulations generally for the purposes of this Law and the due administration of the Court of Arbitration.

13. *Citation and Commencement.*

This Law may be cited as the Lagos Court of Arbitration Law and shall come into force on the 18th day of May 2009.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

