



REQUEST FOR ARBITRATION

TO: THE REGISTRAR
AFSA EASTERN CAPE BRANCH
c/o AFSA GARDEN ROUTE BRANCH
THIRD FLOOR
DYNARC HOUSE
31 COURTENAY STREET
(CNR COURTENAY AND MEADE STREETS)
GEORGE
6529

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Dear Madam,

On behalf of the under mentioned claimant/s, for whom I have authority to act, I request the Secretariat of the Foundation to accept this request for arbitration under its Rules.

Herewith the necessary information:

1. a Name of Claimant/s

b Description (i.e. natural person; company; cc, etc.)

c Address

d Telephone No

e Fax No. _____

f E-mail address: _____

2. a Name of Defendant/s

b Description (i.e. natural person; company; cc, etc.)

c Address _____

d Telephone No. _____

e Fax No. _____

f E-mail address: _____

3. I attach hereto (delete (i) or (ii) if inapplicable):

(i) A copy of the Order of Court directing the appointment of an AFSA arbitrator; and/or

(ii) A copy of the written agreement ⁽⁵⁾ in which all the parties agree to arbitration;

and which I have marked "A". I am satisfied that an award made by the arbitrator in accordance with the claims made by the Claimant (and which form part of the statement attached hereto marked "B") will fall within the terms of the Arbitration Agreement/Court Order.

4. I attach hereto a statement marked "B" setting out the Claimant/s right to sue (*locus standi*); the nature of the dispute, the material facts and contentions of the Claimant/s; the relief claimed and all the documentation⁽⁶⁾ relied upon.

5. Fill out 5(i) where the choice of arbitrator has been agreed or made by the Court and 5(ii) and 5(iii) or 5(iv) in all other cases.

(i) The parties have agreed the identity of an arbitrator/the Court has appointed an arbitrator (delete what is inapplicable) who is -

(a) Name of arbitrator _____

(b) Address _____

(c) Telephone No. _____

(d) Fax No. _____

(e) E-mail address _____

- (ii) The Claimant/s suggests in regard to the selection of an appropriate number of arbitrator/s that:

The matter should be heard in the first instance by

_____ _____
 one **or** three arbitrators
 _____ _____

(mark preference with a tick)

- (iii) The Claimant/s suggests that the following person/s should be considered for appointment as arbitrator/s:

Name/s _____

Address/es _____

-

Telephone number/s _____

- (iv) The Claimant does not wish it to suggest an arbitrator but asks the Registrar to appoint an AFSA arbitrator:

who is an

Advocate	Attorney	Accountant	Legal advisor
Businessperson	Retired Judge	Architect	
Quantity surveyor	Engineer	Other (specify)	

The Claimant further requests that the arbitrator be proficient in

English Afrikaans Zulu

Xhosa Sotho Other (specify) ⁽⁸⁾

6. The Claimant does/does not wish to incorporate the AFSA appeal procedure as part of this arbitration (delete the option to be rejected).

7. **I attach the proof of payment of the first fee (refer Annexe hereto) in the sum of R1, 150.00 (VAT inclusive) for preliminary processing of matter and which will be credited against the administration fee payable. This fee is refundable only in the event that AFSA determines that it does not have jurisdiction and cannot accept the request for arbitration.**

Signature of Claimant/s' representative

Date:

NOTES:

1. No proof of authority to act need be attached. The Secretariat reserves the right to request such proof at any time.
2. The information is that required by Article 4 of the AFSA Rules from which this Form is extracted.
3. The information sought in paragraphs 1 and 2 need be given only once, i.e. either as part of this Form or as part of annexe "B" hereto (the statement of Claimant's material facts and contentions).
4. The address chosen whether for a Claimant or a Defendant must be one to which all the pleadings and documents in the case may be physically delivered or sent and the address here chosen by any party for itself will be the address used by the Secretariat unless and until such party in writing otherwise notifies the Registrar and all other parties. The address given by the Claimant/s or by the Defendant/s should be an appropriate one, i.e. one at which physical or other delivery can be effected and which, in the case of a natural person, is his residence or place of business or in the case of a corporation or company its registered office or principal place of business. Where a *domicilium citandi* has been chosen, such should be stated. Other examples of an appropriate choice of address are to be found in Article 20.4.2 of the AFSA Commercial Rules.
5. Where the Agreement is a lengthy one and it is possible to provide extracts that satisfactorily furnish the information here required, then such extracts can be attached. In every case, however, a copy of the signature page must be provided. Where the copy in the possession of the Claimant does not carry the signatures of all parties, then that fact should be stated and the Claimant should say why nonetheless he is satisfied that the original document was duly signed.
6. Care should be taken to ensure that all documents upon which reliance will be placed to support the material facts and contentions are attached. Nonetheless a responsible discretion must be exercised to exclude voluminous matter which is not essential, but which may nonetheless be used in the arbitration proceeding (i.e. secondary documentary material). The existence of any such secondary documentary material must be disclosed to the arbitrator and the other parties as part of the pre-arbitration hearing envisaged under Article 10.1.3 of the AFSA Rules.
7. The arbitrators on AFSA's panel's fees charges range in accordance to their seniority. Information concerning fees is available on request from the Registrar.

8. Should parties request an arbitrator to be proficient in a language other than an official South African language, please discuss this with the Registrar.
9. Provided both parties agree, AFSA will administer an appeal procedure in terms of Article 22 of its Rules. It is the AFSA policy to arrange for the possibility of an appeal (where agreed) at the same time as the hearing *a quo* so that the appeal can be disposed of very shortly after the initial award has been given.