



هيئة قطر للأسواق المالية
Qatar Financial Markets Authority

Regulations for Settlement of Disputes Arising from Transactions Related to Securities by Arbitration

*This is a translation of the Official Arabic version of
Regulations for Settlement of Disputes Arising from Transactions Related to
Securities by Arbitration.*

In case of any discrepancies, the Arabic version shall prevail.

Chapter One

Definitions

Article (1)

In the application of these Regulations, the following words and phrases shall have the meanings given to them hereunder, unless the context requires otherwise:

QFMA: Qatar Financial Markets Authority.

Board: QFMA's Board of Directors.

Securities Markets: Markets licensed for dealing in securities, pursuant to the provisions of Law No. 33 of 2005 of Qatar Financial Markets Authority and its amendments.

Committee: The arbitral Committee formed, pursuant to the provisions of these regulations, consisting of one or three arbitrators, as the case may be, among who registered in the Approved Arbitrators' List.

Dispute Registrar: An employee appointed by the QFMA to register disputes.

Approved Arbitrators' List: The list of arbitrators registered at the QFMA.

Claimant: The person requesting arbitration by sending the Notification for Arbitration.

Respondent: The person against which the arbitration is filed.

Notification for Arbitration: "Request for Arbitration" Notification filed by the Claimant to bring the dispute before the Committee.

Counter Notification: "Answer to the Request" Notification filed by the Respondent in arbitration.

Pleadings Deadline: The expiry the 28 days after date of defense submissions delivery, set forth in Article (26) of these regulations, unless the Committee orders otherwise.

Arbitration Costs: Amounts of money determined by the QFMA or the Committee as the case may be, including Insurance amounts, Registration Fees and arbitrators' fees.

Costs Scales: Annexed scale containing the Arbitration Costs.

Insurance: The amount of money determined by the QFMA, according to the Costs Scale, as Insurance for commencement of arbitral proceedings.

Registration Fees: The amount of money determined by the QFMA for registration disputes according to the cost scale.

Small Claims: Claims that not exceed 100,000 Qatari Riyals or claims for which the Dispute Registrar decides as Small Claims.

Business Day: Any day except for weekend or any official holiday in the State.

Chapter Two

Committee's Jurisdiction

Article (2)

The Committee shall have the responsibility to settle disputes arising from transactions relating to securities in financial markets by arbitration in accordance with the procedures set forth in these regulations, in either of the following two cases:

1. If the contract concluded between the dispute parties contains a condition that all disputes relating to the contract shall be resolved definitively, in accordance with the provisions of these regulations.
2. If the dispute parties agree, after the dispute, that it shall be dissolved definitively, in accordance with the provisions of these Regulations.

Article (3)

The dispute parties shall, by agreeing on conducting the arbitration procedure under these Regulations, undertake the exclusive jurisdiction of the Committee in the consideration of their dispute, and they shall not resort to any other courts or judicial authorities with respect to the same dispute.

Article (4)

A party, continuing the arbitral proceedings with knowing about non-compliance with any provision of the arbitration clause or agreement including these regulations, without immediately opposing its submission, shall be deemed to have fully waived his right to object.

Article (5)

Under the agreeing on arbitration in accordance with these regulations, the parties shall waive fully the right to challenge the arbitral award by appeal or otherwise by any court or other judicial authority. The parties shall also comply with any award immediately and without delay.

Article (6)

Any arbitration clause, which forms part of a contract and provides for arbitration under these Regulations, shall be treated as a separate agreement from all other terms of the contract. A Committee decision to nullify the contract shall not result in nullity of the arbitration clause.

Article (7)

The Committee shall have jurisdiction to adjudicate the defenses relating to the existence or validity of the arbitration agreement or contract included the arbitration clause.

The Committee also shall have the power to adjudicate defenses against its jurisdiction, in the context of an independent decision on its jurisdiction or later in an award on the subject matter of the case, as it deems appropriate.

Chapter Three

Commencing Arbitral Proceedings

Article (8)

The arbitral proceedings shall commence when directing a notification to the Respondent by the Claimant and paying the registration and Insurance fees. The Disputes Registrar shall release receipts of the arbitration notification, registration and Insurance fees indicating the date of payment and shall notify the Respondent with a copy thereof.

The date when the Claimant receives the correct notification of arbitration shall be considered the date of commencement of the proceedings.

Article (9)

The Claimant must include the Notification for Arbitration with the following information:

1. Names, addresses, numbers of telephone, fax and telex, and e-mail of the parties of arbitration.
2. A brief description of the dispute, its circumstances, reason and requests of the Claimant.
3. The compensation claimed, estimated in Qatari Riyals.
4. The Claimant's proposal regarding number of arbitrators to form the Committee.
5. Nomination of one of the approved arbitrators list.

A copy of the written arbitration clause or the arbitration agreement as the case may be, shall be annexed to the notification, together with a copy of the documents to which the arbitration relates.

The notification shall not be deemed valid unless the Claimant fulfills all the procedures and statements set out in this article.

Article (10)

Within (21) days from the date of receipt of the notification of arbitration, the Respondent shall send, by the Dispute Registrar, a Counter Notification to the Respondent.

The Respondent must include the Counter Notification with the following information:

1. Address, numbers of telephone, fax and telex, and e – mail.
2. His approval on the number of arbitrators proposed by the Claimant, or his proposal in this regard.
3. Nomination of one of the arbitrators from the Approved Arbitrators' List.
4. Objection to the value of the claim estimated by the Claimant indicating the objection reasons.

The Counter Notification shall be annexed with any documents to which the arbitration relates.

The failure to direct the Counter Notification within the period mentioned above shall result in starting of the Dispute Registrar, upon the request of the Claimant, of the appointment of the Committee members.

Article (11)

If the Respondent objects on the claim value estimated by the Claimant, the Dispute Registrar shall issue an undeclared decision to indicate whether the arbitration relates to Small Claims or not and the estimated value of the claim. This decision shall be final and binding on the parties and not binding on the Committee in respect of any subsequent arbitral award.

Chapter Four

Appointment of Committee's Members

Article (12)

A Committee composed of one arbitrator shall adjudicate the arbitration of Small Claims. However, the Dispute Registrar may accept the parties request to compose the Committee of three arbitrators.

Within seven days from the date of receipt of the Counter Notification or the expiry of the date set out in Article (8) of these regulations, as the case may be, the Dispute Registrar shall appoint the arbitrator to whom the parties have agreed to nominate. If the parties do not agree to nominate the arbitrator, the Dispute Registrar shall appoint another arbitrator.

Article (13)

If the Committee is composed of three arbitrators, the Disputes Registrar shall appoint the arbitrator nominated by each party, or shall appoint them in case of non-nomination.

The appointed arbitrators shall, within seven days from the date of their appointment, appoint the third arbitrator to serve as the Committee chairman and notify the Dispute Registrar of their decision.

If the arbitrators fail to agree on the appointment of the third arbitrator, the Dispute Registrar shall appoint him within seven days from the date of being notified thereof.

In all cases, the Dispute Registrar shall direct a notification of the proceedings done, together with a copy of all documents, to the parties and the arbitrators.

The Committee shall be designated from the date of notification directed by the Dispute Registrar to the parties.

Article (14)

If the arbitrator is not competent to act as an arbitrator in accordance with the provisions prescribed by law or unwilling to perform his duties for any reason at any time, the Dispute Registrar shall appoint another arbitrator instead within seven days of receipt of such request by the arbitrator, any Committee member, or one of the parties.

Article (15)

Any of the parties may object to the appointment of the arbitrator within (28) days from the date of his appointment or within (28) days from the date of the

knowledge that the arbitrator is not independent, is biased, or not fit to serve as arbitrator.

The objection shall be submitted in writing to the Dispute Registrar, including its reasons. If the other party does not agree to the objection or the arbitrator does not withdraw within seven days by himself, the Dispute Registrar shall consider the objection reasons with the competent authority in the QFMA. If the Dispute Registrar finds such reasons serious, he shall appoint an arbitrator instead within seven days from the date of accepting the objection.

Article (16)

If the challenged arbitrator who is objected to by one of the arbitrators appointed by the parties to the dispute, the person who nominated him shall have the right to choose another arbitrator instead.

If the challenged arbitrator is the third arbitrator, the other arbitrators may appoint an arbitrator instead, in consultation with the Dispute Registrar and the parties to the dispute. If the alternate arbitrator is not chosen within the said period, the Dispute Registrar shall choose and appoint an alternate one.

Article (17)

The Dispute Registrar has a discretionary power to reduce any time limit under these Regulations, only in relation to Committee composition, including directing the Counter Notification and any matters or documents deemed required for the arbitration notification.

In exceptional urgent cases during or after the commencement of arbitration proceedings, any party may apply to the Dispute Registrar to request the immediate composition of the Committee, including the appointment of any alternate arbitrator.

The application form shall be submitted in writing to the Dispute Registrar and copies thereof shall be sent to all other arbitration parties, and the application shall state the specific objectives of the urgent exceptional situation in the Committee composition.

Chapter Five

The Procedures

Article (18)

The Committee shall take fair and appropriate measures to resolve the dispute and to avoid unnecessary expenses and delays.

Article (19)

The Committee shall have the right to determine the procedures to be followed to ensure an equitable, expeditious, economic and decisive solution to the dispute.

Article (20)

The arbitrators must be completely independent of the parties at all time and act impartially and fairly.

Chapter Six

Notifications and Correspondence

Article (21)

All notifications required under these Regulations shall be in writing, unless otherwise ordered by the Committee.

Notifications and all other documents shall be sent by registered mail, airmail, fax, telex, electronic mail or hand, to the addresses and numbers provided by the parties in their notifications. If such address or number is not specified, they shall be sent to the address or number of the other party specified in the contract subject to the dispute referred to arbitration or which contains the agreement of referral the dispute to arbitration, if this is not possible, shall be sent to the other party's main duty station.

If either party of the arbitration submits a document to the Dispute Registrar or to the Committee, it shall be annexed by copies equal the number of Committee members and a copy thereof to the other party.

Article (22)

Documents sent by mail shall be deemed delivered two Business Days after the date of sending if sent within the State of Qatar and after five Business Days from the sending date in the other cases.

Documents sent by fax, telex or e-mail should be deemed delivered upon completion of sending process.

Hand-delivered documents shall be deemed delivered at the date of delivery at the address indicated therein.

Article (23)

If the person who send the documents used more than one method to send documents, it shall be deemed delivered in the fastest way used. If a dispute arises in this regard prior to the appointment of the Committee, the Dispute Registrar shall determine the fact and the date of the receipt.

All notifications and other documents delivered on a holiday or after 5 pm on Business Days shall be deemed delivered on the following Business Day.

The time of receipt shall be determined according to local time at the place of receipt. Unless otherwise specified by the Dispute Registrar in the event that the Committee members are not appointed, or unless otherwise specified by the Committee.

Chapter Seven

Pleadings and Documents

Article (24)

Within (21) days from the date of appointment of the Committee members, the Claimant shall send to the Committee and to the Respondent a written statement of

its claim containing the facts and legal grounds for the claim as well as the compensation claimed, if any.

The Claimant may deliver the above-mentioned statement to the Respondent within the delivery due date of the notification of arbitration.

Article (25)

Within (21) days from the receipt date of the statement referred to in the preceding article, or from the date of Committee appointment, if at a later date, the Respondent shall send to the Committee and the Claimant the defense submissions including facts, legal grounds and any counterclaims.

Article (26)

Within (14) days from the date of delivery of the Respondent's defense submissions, the Claimant may send to the Committee and to the Respondent submissions containing its defense in response to the counterclaims, if any. In this case, the Respondent may send to the Committee and the Claimant his submissions relating to the counterclaims, within (14) days from the receipt date of the Claimant's defense submissions.

Article (27)

No documents, submissions or other applications shall be accepted after submitting documents, submissions or applications set out in the preceding articles of this Chapter, unless authorized by the Committee.

Article (28)

All documents, submissions and applications set out in these Regulations shall be annexed by photocopies, and the Dispute Registrar shall determine their number. In the case of large documents, shall prepare a list of all the basic documents on which the Party concerned is based.

Each document in other than Arabic shall be accompanied by an Arabic translation indicating the person who translated it and its qualifications, if any, unless otherwise ordered by the Committee, or unless otherwise ordered by the Dispute Registrar before the appointment of the Committee. Both the Committee and the Dispute Registrar may request a certified translation. In all cases, acceptance of the translation shall be subject to the powers of the Committee.

Article (29)

Within seven (7) days from the date of the Pleadings Deadline, the Committee shall issue the necessary instructions for next arbitral proceedings and may hold a hearing for this purpose.

Article (30)

Except for exceptional cases, the Committee shall decide on disputes relating to Small Claims, in accordance with documents submitted by the parties before the Pleadings Deadline, without holding hearings. If a party wishes to hold a hearing, it shall submit a request in writing before the Pleadings Deadline, a copy of which shall be sent to the rest of the parties and the Committee shall decide in a binding and final decision.

Chapter Eight Hearings

Article (31)

Except for Small Claims, each of the dispute parties shall have the right to request a hearing before the Committee, unless agreed between them on the arbitration procedure based on the documents submitted only.

Article (32)

The place of arbitration shall be in the State of Qatar and the applicable law shall be the Qatari law.

Article (33)

The Committee shall determine the date, time and venue of the hearings and shall notify the parties accordingly.

Article (34)

The Committee may hold hearings in the place of its choice without the physical attendance of the arbitral parties, including Committee members. In such a case, each party shall be in contact throughout its participation, via a system or systems of wire or wireless communications, allowing it to hear and speak with the other parties clearly if the Committee so request.

If the hearings are held in a place other than the venue of the arbitration, it shall be held at the place of the arbitration.

Article (35)

The language of arbitration shall be either Arabic or English as agreed upon between the parties. If no agreement is reached on the language of arbitration, the Committee shall determine this language by taking into account any agreement concluded between the parties in this regard.

Article (36)

The Parties may appoint representatives to attend any hearing, including lawyers, taking into account the necessary powers of attorney required by the Committee.

Article (37)

The Committee may submit to the parties, prior to the hearings, a statement of the questions posed to them for their consideration and preparation of the response thereto, taking into account any agreement concluded between them may be contrary to this provision.

Chapter Nine

Witnesses

Article (38)

Prior to the specified hearing, the Committee may request one of the parties to identify witnesses who wish to summon them, or request the parties to exchange statements made by witnesses within a time limit determined before the hearing.

Each party or representative has the right to discuss the witnesses, and the Committee may ask questions to witnesses while allowing them to present their statements in writing in accordance with established legal rules.

Article (39)

If a witness fails to appear before the Committee, it may make statements made on such testimony in full or place restrictions on it as it deems fit.

The Committee may accept, refuse or challenge the appearance of witnesses, whether facts witnesses experts.

The Committee may also allow the submission of witness statements in writing either as a signed statement or as an acknowledgment accompanied by a swearing.

Chapter Ten

Powers of the Committee

Article (40)

Subject to the jurisdiction granted by the law or these regulations, during the consideration of the dispute, the Committee may, on its own initiative or at the request of one of the parties, undertake any of the following actions:

1. Assign one of the parties to take or not to take specific actions during a period to be determined or to stop the exercise of certain activities for a specified period with respect to the subject matter of the dispute.

2. Extend or shorten any specified period stipulated in these regulations
3. Pay attention to part or all of the pleadings submitted by any party if it fails to attend or refrains from taking any action assigned to it by the Committee and issue an award accordingly, taking into account the following:
 - a) Failure or refrain has occurred within the periods specified in these Regulations or the period specified by the Committee.
 - b) Or have been within a reasonable period of time if there is no specified period.
4. Allow any of the parties, at any time, to amend the pleadings submitted by it during the period specified for this purpose.
5. Stop the arbitral proceedings until the adjudication of a judicial dispute pending before a court, provided that the judicial proceedings have begun, or to give the parties the time needed to resolve the dispute by mediation.
6. Issue a decision obligating any party to submit documents in its possession or under its control, if the Committee deems that they are relevant to the dispute.
7. Require one of the parties to submit a written statement on its judicial disputes and their reasons.
8. Conduct a preview, hold, store, temporary possession, sale or disposition of any property or thing related to arbitration under the authority of any of the parties.
9. Issue decisions for getting any information related to the dispute.
10. Appoint one or more investigators or experts to prepare reports on some specific issues.
11. Assign one of the parties to pay a fixed amount temporarily to another party at a reasonable rate of the claimed amount or to provide security for some or all of the amounts subject to the dispute or any related costs.
12. Issue a temporary order for any of the parties to pay a proportion of the administrative costs to the other party or to the Committee, an investigator or an expert, who have performed any of the arbitral proceedings by the order of the Committee. Such amounts shall be settled upon the final judgment.
13. Require one of the parties to provide Insurance to ensure payment of the legal or other costs of the other party, in any manner deemed appropriate by the Committee.
14. Review any testimony, opinion or statement issued by a person whose testimony, opinion or statement has been referred to in arbitral proceedings.

15. Assign the enforcement of a decision or contract related to arbitral proceedings, subject to the provisions of the relevant laws.
16. Oblige to amend any agreement between the parties, subject to the provisions of the relevant laws.
17. Delegate the power to issue procedural decisions to the chairman of the Committee, including the power to determine whether or not the decision is procedural in the case of a dispute over its nature.

Article (41)

The Director of the Legal Department at the QFMA may, whenever one of the parties so requests, review the current arbitration. If he finds that some law or fact matters are repeated in two or more arbitrations, or where the claimed compensation rights relate to the transactions or series of same or arising transactions, or for any other reason it deems appropriate in accordance with these Regulations, the parties shall be notified of all arbitrations. Upon the request of one or more of the parties to arbitration and after consultation with the Committee and the concerned parties, the Director may also direct to consolidate such arbitration in accordance with terms as the Committee deems appropriate or make it easier to listen to arbitrations simultaneously or one by one immediately as well as may request to suspend one of the arbitrations until such time as any of them is adjudicated.

Article (42)

If two or more arbitrations are consolidated, and all parties to arbitration that were consolidated agree on choosing the arbitrators, they shall be appointed by the Dispute Registrar. If all parties do not agree within (21) days from the date of directing to consolidate, the Dispute Registrar may choose and appoint three arbitrators to form the Committee and two alternate arbitrators from the Approved Arbitrators' List of the QFMA.

The Committee may, at any time, on its own initiative or at the request of one of the parties to the arbitration, and on such terms as it deems fair, hold the arbitration between two or more parties separate from the rest of the parties, provided that taking the necessary action.

Chapter Eleven

Decisions and Awards of the Committee

Article (43)

The Committee shall issue its decisions and awards by the majority, and shall be written and reasoned. If a Committee member refuses or fails to sign any of the decisions or awards, shall be issued by the majority signing, including in this case the reasons for not signing.

When taking the arbitral award by majority, it may include reasons for the refusal of the arbitrator who is not approved.

Article (44)

The Committee may issue separate final decisions and awards on relevant matters at different times during the consideration of the dispute.

If an amicable settlement for the dispute is reached, the Committee shall issue a decision to approve such settlement at the request of one of the parties.

Article (45)

The arbitration awards shall be final and binding on the parties. The original must be deposited by one of the arbitrators, the Registry of the Court, which is competent to hear the case within fifteen days following its issuance. The clerk of the court shall make a record of such deposit and shall transmit a copy to parties to the arbitration.

If the convicted does not carry out the arbitral award in consent, the matter shall be brought before the judge of the court in which the Registry deposited the original of the award, at the request of any concerned party.

The judge shall order the enforcement after reviewing the award and the arbitration document and after verifying that there is nothing to prevent its enforcement. The enforcement order shall be placed at the root of the award and the judge responsible for the enforcement shall be competent in all matters relating to the enforcement of the award.

Article (46)

The Committee shall fix the amount of the award, in the currency claimed in the arbitration, specifying the interest rate and the period on which it will be calculated, as the case may be.

Article (47)

Subject to the provisions of Article (45) of these Regulations, the arbitrators shall deposit a copy of the arbitral award to the Dispute Registrar, to notify the parties immediately.

The parties or one of them may, as the case may be, receive the award after payment of the costs and expenses fixed in accordance therewith, including the arbitrators fees unless the award otherwise states.

If one of the parties receives the award, the Dispute Registrar shall send a copy thereof to the other party.

If no one of the parties has received the award within (28) days from the date of notification directed by the Disputes Registrar to the parties, he may call the parties or any of them to receive the award and to pay the costs, expenses and the arbitrators fees or a proportion of them, provided that the other party or parties pay the balance.

Article (48)

Within (30) days from the date of receipt of the award notification decided by the Committee, or within a shorter period in accordance with a written agreement between the parties, any of the parties to the arbitration may submit an application to the Committee to correct the material errors in the award. Such application shall be submitted to the Disputes Registrar and sent a copy thereof to the rest of the parties.

The Committee shall consider the application and correct the error, if any, within (30) days from the date of application delivery to the Dispute Registrar, by a separate decision dated and signed by its chairman and members. The correction decision shall be part of the arbitration award.

In all cases, the Committee shall, on its own initiative, within period of (30) days from the date of the award, correct the material errors therein.

Chapter Twelve

Arbitration Costs

Article (49)

The costs and expenses due in the Small Claims arbitration shall be fixed as per the annexed Cost Scales and shall be borne by the parties in accordance with the proportion fixed by the award decided in the arbitration.

Within a period not exceeding fourteen days from the date of receipt of the answer to the claim, the Committee may fix certain amount to be ordered to deposit in whole or in part as recoverable Arbitration Costs.

Article (50)

The Committee shall fix, in the arbitral award, the value of Arbitration Costs, which include the fees of its members, including the costs and fees payable to any person who submitted a report or statements to the Committee on any matter relating to the arbitration. The Committee shall fix the proportion to be borne by each party, in accordance with the annexed Cost Scales.

The parties shall be jointly liable before the Committee for the Arbitration Costs until their payment is fully paid.

Article (51)

The Committee may include the award with any of the following:

1. The order that one of the parties pay some or all of the Arbitration Costs, including other costs of the other party.
2. The cost estimate, at the request of one of the parties, without being exempt from payment of the costs due to it.

If the parties agree not to proceed with, suspend or stop the arbitral proceedings, before the final award has been decided, their responsibility alone or jointly shall be the payment of the costs of the arbitral proceedings carried out in accordance with the controls that the Committee decides. The Committee remains in place until these costs are fully paid.

The Committee may, on its own or at the request of one of the parties, recover all or part of the Insurance or dispose of it to certain persons as it decides.

Chapter Thirteen

Confidentiality

Article (52)

The Parties, the members of the Committee, the Dispute Registrar, and all their employees, shall maintain the confidentiality of the arbitration, and all reports, documents, information and decisions relating to the dispute, which shall not be in public, unless the law provides for disclosure or the parties agree otherwise.

Scales of
Arbitration Costs and Fees
(in Qatari Riyal “QR”)

Insurance Amounts	
Claim Amount	Amount
1- (100,000 or less) one hundred thousand or less.	(2000) two thousand
2- From (100.001 to 200.000) one hundred thousand and one to two hundred thousand.	(4000) four thousand
3- From (200,001 to 400.000) two hundred thousand and one to four hundred thousand.	(8000) eight thousand
4- From (400.001 and more) four hundred thousand and one QR or more	The proportion of (3%) of the amount of the dispute (as fixed by the Dispute Registrar) shall be subject to a ceiling of 40.000.000.
Registration Fees	
Claim Amount	Amount
1- (100,000 or less) one hundred thousand or less.	(800) eight thousand
2 - From (100.001 and more) one hundred thousand and one and more.	(3000) three thousand.
The arbitrators fees: (1000) one thousand per hour, subject to the following ceilings:	

Claim Amount	Ceiling
(100,000 or less) one hundred thousand or less.	(10,000) ten thousand.
From (100.001 to 400.000) one hundred thousand and one to four hundred thousand.	(25,000) twenty-five thousand for each arbitrator
From 400,001 to 2.000000) four hundred thousand and one to two million.	(45,000) forty five thousand for each arbitrator.
From 2.000001 to 4.000000 (two million and one to four million.	(80,000) eighty thousand for each arbitrator.
From 4.000001 and more) 4 million or more.	The cost rate shall be applied in each hour subject to the financial ceiling specified in the preceding paragraphs.