



GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE
(Drafting Section)

NOTIFICATION

Islamabad, the 21st February, 2023

S.R.O. 211 (I)/2023.— In exercise of the powers conferred by section 25 read with section 4 of the Alternative Dispute Resolution Act, 2017 (XX of 2017), the Federal Government is pleased to make the following rules:—

1. Short title and commencement. - (1) These rules may be called the Alternative Dispute Resolution (Accreditation) Rules, 2023.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules:

(a) “Act” means the Alternative Dispute Resolution Act, 2017 (XX of 2017);

(b) “accreditation”, and its cognate expressions, mean a formal recognition by the Government that an ADR Centre or a Neutral is qualified to provide the ADR services specified in the notification of accreditation;

(c) “accreditation eligibility rules” means one or more sets of rules specifying the eligibility criteria for accreditation of ADR Centres and Neutrals;

(d) “accreditation committee” bears the meaning given in rule 4;

(e) “court-referred” means a dispute referred for ADR by a court or a tribunal subject to the supervisory jurisdiction of the High Court; and

(f) “High Court” means the Islamabad High Court.

(2) Words and expressions defined in the Act and used in but not defined in these rules shall have the same meaning as given in the Act.

3. Accreditation and Notification. -(1) There will be no restriction on the number of accredited ADR Centres or accredited Neutrals. All applications meeting the prescribed accreditation requirements will be allowed.

(2) For the purposes of section 4 of the Act, the Government shall, within 15 days of recommendation for accreditation by the accreditation committee, notify in the official Gazette accreditations of ADR Centres and Neutrals.

(3) All notified ADR Centres and Neutrals undertaking court-referred work shall comply with the ADR practice directions issued by the High Court from time to time.

4. Accreditation committee- (1) ADR Centres and Neutrals will be accredited by an accreditation committee comprising the Registrar of the High Court, the Secretary of the Law and Justice Division, and one member nominated by the Federation of Pakistan Chambers of Commerce and Industry.

(2) The accreditation committee will hold an accreditation meeting once a calendar quarter for action on the accreditation applications.

(3) The Law and Justice Division shall act as the secretariat for the accreditation committee.

(4) When the accreditation committee is satisfied that there is a functional and responsible self-regulating representative institution of the ADR professionals in place with an institutional framework conforming to global best practices, it will yield its functions to that body on a date published in the official Gazette, and shall cease to exist on that date. From and after such date, all references in these or any other rules or instruments to the accreditation committee shall mean the institution aforesaid.

5. Accreditation eligibility rules and notification. - (1) ADR Centres and Neutrals will be accredited on meeting the eligibility criteria prescribed in rules made for the purpose.

(2) Different sets of rules for eligibility may be made for sub-speciality ADR practice areas such as mediation, conciliation, arbitration and early neutral evaluation.

(3) An ADR Centre or Neutral practising more than one sub-speciality shall meet the respective eligibility criteria for all its sub-speciality practice areas.

6. ADR Register.- (1) Each ADR Centre and Neutral shall maintain an accurate and up to date register of all ADR cases handled by it, with such particulars as may be specified from time to time by the Government in consultation with the accreditation committee.

(2) The register will be kept in both paper and electronic forms. The paper form will have reduced particulars. The electronic form will have enhanced particulars. The electronic form shall be reliable, with data integrity and security measures of a standard generally followed by small businesses in case of sole-practitioner Neutrals, and small-to-medium size businesses in case of ADR Centres.

(3) The ADR registers shall be preserved for a minimum of five years, and shall be open to inspection by the accreditation committee.

(4) The ADR registers shall not record any confidential information communicated by the parties in anticipation of or during the ADR proceedings.

(5) Each ADR Centre and Neutral shall send a copy of its most up to date register in the

specified format to the accreditation committee as of the last working day of each calendar quarter.

7. Suspension or revocation of accreditation. -(1) An accreditation may be suspended or revoked by the Government on the recommendation of the accreditation committee if the ADR Centre or the Neutral:

- (a) is rendered incapable of performing the ADR services due to physical, mental, financial, or legal disability;
- (b) is found in willful violation of the applicable ADR process framework by which it is bound, which in the opinion of the accreditation committee is of a grave nature and requires disciplinary action;
- (c) has alleged or proved against him a criminal, civil or disciplinary charge, involving moral turpitude, which in the opinion of the accreditation committee is of a grave nature and requires disciplinary action; or
- (d) ceases to meet the applicable eligibility criteria.

(2) A de-notified ADR Centre or Neutral shall cease to market its ADR services. The ADR matters pending with the ADR Centre or Neutral shall at the option of either party to the dispute be transferred to another accredited ADR Centre or Neutral on such terms as are mutually agreed between the parties and the transferee ADR Centre or Neutral. The transferor ADR Centre or Neutral shall be bound to return all information, in any form whatsoever, in its possession or control to the respective parties, and shall not keep a copy thereof.

(3) A suspended ADR Centre or Neutral shall not market its ADR services as an accredited ADR Centre or Neutral until the suspension is lifted. During suspension, it shall conduct only such ADR work as may be permitted by the accreditation committee in writing. If the suspension lasts more than three months, unless given one and only extension by the accreditation committee for another three months, the accreditation will be revoked by publication in the official Gazette.

8. Removal of difficulties. - (1) The Government may by notification in the official Gazette issue such instructions, not inconsistent with the Act or these rules, as may be expedient for removing difficulties encountered in the application of these rules.

(2) The Secretary, Law and Justice Division, may issue clarifications on questions arising during the course of implementation of these rules on requests made by a Court, an ADR Centre or a Neutral.

[F. No. 5(9)/2023-Dtg.]

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