

The Gazette  **of Pakistan**

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PART II

Statutory Notifications (S. R. O.)

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

NOTIFICATIONS

Islamabad, the 21st February, 2023

S. R. O. 210(I)/2023.—In exercise of powers conferred by section 25(1) read with section 4(1) and other relevant provisions of the Alternative Dispute Resolution Act, 2017, the Federal Government is pleased to make the following rules, namely:

1. **Short Title and commencement, etc.**—(1) These rules may be called the ADR Mediation Accreditation (Eligibility) Rules, 2023.

(2) These rules shall come into force at once.

(3) Words and expressions used but not defined in these rules shall bear the meanings given thereto in the Alternative Dispute Resolution Act, 2017, and in the rules made thereunder.

2. **Eligibility.**—(1) An ADR Centre providing mediation services or a mediator shall be eligible for accreditation where:

(495)

Price : Rs. 20.00

[359 (2023)/Ex. Gaz.]

- (a) the end-to-end mediation process framework by which it proclaims to be bound is:
- (i) the framework administered or recommended by an organization listed in the Annex to these rules, and is adopted by the ADR Centre or mediator, with the permission of such organization, if required; or
 - (ii) developed by itself, and is found by the accreditation committee to be conforming in material aspects to the frameworks of the organizations referred to in the Annex to these rules.

In either of the cases mentioned in (i) and (ii), the applicant will sign a bond in favour of and in the form specified by the accreditation committee undertaking to remain faithfully bound to its mediation process framework;

- (b) the mediators empaneled by an ADR Centre at the time of application and at all times thereafter are trained and certified by an organization listed in the Annex to these rules or by a trainer certified by such organization to impart training;
- (c) an applicant ADR Centre shall either be a company or a statutory corporation; and
- (d) the mediations are undertaken to be carried out at owned, leased or usage-based-access premises with a minimum of two rooms for private sessions and one larger room for common sessions, in addition to its administrative and managerial rooms, with fit-for-purpose secretarial, communication, facilitation, case management, IT and record-keeping facilities.

(3) An ADR Centre seeking to become accredited as a mediation service provider will apply in form-A annexed to these rules.

(4) An individual seeking to become accredited as a mediator will apply in form-B annexed to these rules.

(5) An ADR Centre or a mediator seeking to empanel with the High Court for court-referred mediations will meet such additional requirements as may be specified by the High Court in a circular issued for the purpose.

Annex

[See Rule 2(1)(a) and (b)]

- (1) International Mediation Institute
- (2) Centre for Effective Dispute Resolution
- (3) Civil Mediation Council of United Kingdom

NOTE:—Further organisations may be added to this list by the Government in consultation with the High Court.

Annex-A**FORM****APPLICATION TO RECOGNIZE A MEDIATION CENTRE**

[See Rule 2(3)]

Name of the Centre						
Type of Organization	Company	<input type="checkbox"/>	Statutory Corporation	<input type="checkbox"/>		
Address of the Centre						
Focal Person						
NTN Certificate						
Office Phone			Fax			
Email			Website	www.		
OFFICE AND ONLINE FACILITY DETAILS						
(Please provide details of the facility where the face-to-face mediation will take place along with supporting photographs in color)						
No. of Rooms alongwith color photographs of each room			Purpose of each Room			
Head of the Centre			Qualification of the head			
Email			Mobile Phone Number			
Audio / Visual Equipment Available			Number of Computers and Printers available			
Internet / DSL Provider			Online ADR Software Platform			
List of empaneled mediators (Centre must have minimum five (5) accredited mediators)						
Sr. #	Mediator Name and Cell No.	Mediator Registration No.	Date of Registration and	Name of Mediation Accreditation	Profession	Three Areas of Expertise

			Re- registration of Mediator	Authority of Mediator		
1.						
2.						
3.						
4.						
5.						

1. Code of conduct

Yes

No

If yes, please attach copy

2. Fee structure / schedule

Yes

No

If yes, please attach copy

3. Complaints Handling and Feedback

Yes

No

If yes, please attach copy of proof

4. Guidelines for allocation of mediators

Yes

No

If yes, please attach copy of proof

5. Confidentiality Procedures

Yes

No

If yes, please attach copy of proof

6. International affiliation

Yes

No

If yes, please attach copy of proof

7. Facility Description i.e. Office, Reception/Common Area/Breakout Rooms etc. (Attach detail separately)

8. Support Staff Description such as case manager and other staff (Attach detail separately)

9. Centre's Registration Fee: _____ (Attach evidence of payment Rs. 10,000/-)

10. Centre's Annual Re-registration Fee: _____ (Attach evidence of payment of Rs. 2,000/-)

- 11. PLEASE NOTE:** The Mediation Centre must demonstrate (in writing and by photographic evidence) that the physical layout of the designated mediation facility is capable of handling the mediation process and subject to a positive Site Inspection Report carried out by the concerned Officer(s) authorized by the accreditation committee.

Declaration by Authorized Representative of the Mediation Centre

We confirm that the information we have submitted on this form is correct and complete; and we understand that any false information could result in our application being rejected.

We further confirm that the Panel Mediators, Management and Staff at the Center have never been booked in any type of criminal case or faced contempt of court proceeding before any court of law during last five years.

Signature of duly Authorized Representative of Mediation Centre

Documents to be attached:

1. Copy of Charter Document (Memorandum and Articles of Association, certificate of incorporation etc.)
2. Copy of NTN Certificate of Mediation Center
3. Copy of declaration by Authorized Representative of Mediation Centre
4. Copy of international affiliation certificate, if any
5. Registration Fee payment evidence
6. Mediators' Fee schedule
7. Copy of code of conduct
8. Copy of Complaints Handling and Feedback
9. Guidelines for Allocation of Mediators
10. Copy of Confidentiality Procedures

For Office Use Only:

Application Received on: _____

Site Inspection of Mediation Facility carried out on: _____

Application status: Granted Declined Re-apply after Six (6) Months

Mediation Centre Registration No: _____

Approval Authority:

Annex-B

Form

APPLICATION TO RECOGNIZE A MEDIATOR(See Rule 2(4))

Personal information	
Applicant's Name:	
Applicant's Office Address	
Landline	
Cellphone	
Email address	
Website	
Applicant's CNIC:	
Applicant's NTN:	
Qualification:	
Profession:	
Training attended (Minimum 40 hours):	
Area of expertise:	
Experience as mediator	
Affiliation:	Organization: <input type="checkbox"/> Independent: <input type="checkbox"/>
Name of Organizations affiliated	
<u>OFFICE AND ONLINE FACILITY DETAILS</u>	
(In case of an Independent Mediator if mediation will either not take place at the office of the Applicant or takes place at his/her Office, please provide details of the facility where the face-to-face mediation will take place along with supporting photographs)	
Address (location) of mediation facility	Contact Person Supervisor at (location of) the mediation facility

Cellphone of Contact Person Supervisor of mediation facility:		Email of Contact Person Supervisor	
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General Information:

1. Code of conduct
 Yes No If yes, please attach copy
2. Fee structure / schedule
 Yes No If yes, please attach copy
3. Confidentiality Procedures
 Yes No If yes, please attach copy of proof
4. International affiliation
 Yes No If yes, please attach copy of proof
5. Independent Mediator Registration Fee: (Attach evidence of payment Rs. 5,000/-)
6. Independent Mediator Annual Re-Registration Fee: _____ (Attach evidence of payment of Rs.1,000/-)

Declaration by Applicant

I confirm that the information I have given on this form is correct and complete; and I understand that any false information could result in my application being rejected.

I further confirm that I have never been booked in any type of criminal case or faced contempt of court proceeding before any court of law during last five years.

Applicant

Documents to be attached:

1. Copy of CNIC
2. Copy of NTN
3. Copy of professional degree

4. Copy of mediation training certificate
 5. Copy of declaration
 6. Copy of international affiliation certificate, if any
 7. Registration Fee payment evidence
 8. Fee schedule
 9. Copy of code of conduct
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For Office Use Only:

Application Received on: _____

Site Inspection of Mediation Facility carried out on: _____

Application status: Granted Declined Re-apply after Six (6) Months

Independent Mediation Registration No.: _____

Approval Authority:

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.]

SAADAT IQTIDAR ALAM,
Section Officer.