

CONFIDENTIAL



MEMBERSHIP APPLICATION FORM

Apply for Grade of (please tick box provided):

- Associate Member Fellow
 Affiliate Corporate Member

For Office Use Only:

Membership No.

Grade elected

Approved on

PHOTO
(within 37x42mm)

1. PERSONAL PARTICULARS

NAME (BLOCK LETTERS):

*Title / Mr / Miss / Dr / others: _____

NRIC / Passport No: (New) _____ (Old) _____

Date of Birth: _____ Nationality: _____

Home Address: _____

Telephone No: _____ Mobile: _____

Company Name/Firm: _____

Address: _____

Telephone No: _____ Fax No: _____

E-mail: _____

* All correspondence should be sent to office/home address : _____

THE MALAYSIAN INSTITUTE OF ARBITRATORS

Room 11, Level 2 Bangunan Sulaiman, Jalan Sultan Hishamuddin, 50000 Kuala Lumpur

Tel (603) 2271 1063 Fax (603) 2271 1064 E-mail: info@miarb.com / miarb.secretariat@gmail.com Website: www.miarb.org

2. ACADEMIC QUALIFICATIONS, EXPERIENCE & MEMBERSHIP

2.1 Tertiary Education, Degrees, Diplomas, Certificates Awarded (and field of study)
(supporting details, documents and references should be enclosed)

*Please attach additional sheets if space is insufficient.

2.2 Arbitration Experience, Capacity & Extent Of Involvement
(supporting details, documents and references should be enclosed)

*Please attach additional sheets if space is insufficient.

2.3 Membership of Any Professional, Trade, Industrial or Other Bodies and Positions Held

*Please attach additional sheets if space is insufficient.

2.4 Present Profession/Occupation

3. MEMBERSHIP UPGRADING

3.1 If you are applying for upgrading of membership, please state present grade and membership no.

Grade:	Membership No.

PROPOSER

Signature

Name _____

Grade _____ M/No _____

SECONDER

Signature

Name _____

Grade _____ M/No _____

I, the undersigned applicant, hereby declare and confirm that all the abovementioned facts and details are true and accurate.

Date: _____ Signature of Applicant : _____

Note :

The form is to be completed and returned together with a cheque of amount as required for the grade of membership applied and made payable to "The Malaysian Institute of Arbitrators". In the event the Council decides that a candidate qualifies for election as a member of a higher category in accordance with the Rules then the candidate concerned shall be liable to pay the difference in the annual subscription fees between the categories upon formal acceptance. If the application is not accepted, payment will be refunded in full.

Please enclose copies of your qualifications and certificates of membership from other professional bodies and a passport size photograph. Copies of documents sent together with this application must be certified by a member of the Institute, or any Advocate & Solicitor, or by a Commissioner for Oaths, or by an Officer of Court, or by a Division 'A' Officer in Government Service.

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PROFILE: THE MALAYSIAN INSTITUTE OR ARBITRATORS

The Malaysian Institute of Arbitrators ("MIArb") was established in 1991. The **main goals and purposes** of MIArb are : (1) to promote the facilities for the determination of disputes by the arbitration process; (2) to provide means of communications between members of the Institute and other bodies concerned with arbitration within the country or overseas; (3) to co-operate with other professional bodies having the same common interests in arbitration; (4) to provide training and educational facilities for members who are desirous of becoming arbitrators and to promote the study of the law and practice relating to arbitration, subject to the Education Act, 1961; (5) to arrange for and provide facilities for meetings, seminars, conferences and workshops and arrange for the reading and presentation of lectures and demonstrations of the arbitration proceedings; (6) to provide a wider knowledge of the practice and the law of arbitration; (7) to provide for the appointment of arbitrators for the settlement of disputes.

Our **MIArb Arbitration Rules** are aim to overcome the common pitfalls of arbitration as well as ensuring fair and speedy disposal of disputes. The **rationale** of MIArb Arbitration rules include recognition of party autonomy; flexibility for modification or simplification of arbitration procedure to suit nature and extent of disputes; facilitating expeditions proceedings; deferment of case stated or challenge of interim awards/decisions until after the main award or substantive merits are made, yet preserving a party's right to challenge an interlocutory decision or interim award. The MIArb Rules can be adapted for use in complex or simple arbitrations in different fields or industries.

MIArb plans to extend its coverage to other forms of ADRs such as mediation, adjudication, etc. It is also MIArb's plan in the long term to formulate its forms of contract for use by various industries and fields.

MIArb publishes **Newsletters** regularly. These Newsletters contain among others, articles on topics relevant to arbitration. MIArb also organizes **Seminars and Workshops** on topics relevant to arbitration and alternative dispute resolution (ADR).

There are **five categories of membership** in MIArb namely, Associates, Members, Fellows, Affiliates and Corporate Members. MIArb **Fellows**, the highest category of membership, comprises of retired judges of the Superior Courts and active practicing arbitrators of extensive experience. Our distinguished Fellows are well-known for their experience and impartiality. MIArb **Members**, the second category, comprise of professionals from various disciplines who have hands-on experience in arbitration, whether in capacity as arbitrators, counsels, advisers or expert witnesses. Our Members and Associates are from a wide spectrum of professional disciplines, including architects, engineers, insurance brokers, lawyers, loss adjusters, quantity surveyors, valuers, etc. The wide spectrum of professionals in our membership offers much choice for arbitrating parties to appoint an arbitrator with the relevant expertise and experience. **Affiliates** apply to any graduate, undergraduate or person who is unable to qualify as an Associate. **Corporate membership**, any professional institution, professional association, trade body, corporation, partnership or business are eligible to join as a Corporate Member.

Fellows of MIArb are entitled to use the designation "**FMIArb**", while the **Members** and **Associates** bear the designations "**MMIArb**" and "**AMIArb**" respectively. Affiliates and Corporate Members are not entitled to use the any designation. There is a one-time Entrance Fee for all categories of membership. Entrance fee for Fellow, Member and Associate categories are RM250.00, Annual Subscription Fees are RM250.00, RM200.00 and RM150.00 respectively. Entrance fee for Affiliate and Corporate Member are RM50.00 and RM1,000.00 and Annual Subscription RM50.00 and RM500.00 respectively.

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EXTRACTS FROM RULES RELATING TO QUALIFICATIONS FOR ADMISSION TO THE DIFFERENT GRADES OF MEMBERSHIP

Membership

Membership of the Institute shall be open to persons or organisations whose duties, activities, work, business and/or services are such as to cause them to deal, participate, or work in the area of the law and/or practice relating to dispute resolution.

Membership shall be of five (5) categories, namely: Associates, Members, Fellows, Affiliates and Corporate Members. *[amendment approved on 29/7/2021]*

Associates

Associates shall be elected by Council and every candidate for election shall fulfill the following conditions in that he/she: -

- 1 be proposed and seconded by Fellows or Members of the Institute.
- 2 satisfies the Council that he/she is fit in all respects to be a proper person for admission and not one who had been convicted of any criminal offence by the courts of law.
- 3 be engaged in a profession, occupation or calling in which there is recourse to arbitration or other ADR processes directly or indirectly. *[amendment approved on 29/7/2021]*
- 4 be over twenty-one (21) years of age at the date of the application for membership. *[amendment approved on 29/7/2021]*
- 5 has obtained a degree or equivalent qualification from a university or tertiary educational body acceptable to the Council; and
- 6 be a member of a professional, commercial, trade, industrial, or Government body acceptable to the Council e.g. architects, engineers, quantity surveyors, lawyers, accountants.

Provided that : -

- (a) where a candidate fulfills conditions 5.1.1 to 5.1.4 and fulfills either condition 5.1.5 or condition 5.1.6, the Council shall have the discretion to elect the candidate to be an Associate of the Institute if he/she has considerable training or experience in the conduct of arbitrations, arbitration-related matters or other ADR processes, or if he/she is an active member of another national or international institute of arbitrators, or if he/she satisfies the Council as to his/her proficiency in the law and procedure relating to arbitration or other ADR processes. *[amendment approved on 29/7/2021]*
- (b) where a candidate fulfills conditions 5.1.1 to 5.1.4 but does not fulfill any of the conditions 5.1.5 or 5.1.6, the Council shall have the discretion to elect the candidate to be an Associate of the Institute if he/she has considerable experience as an arbitrator, adjudicator or mediator for not less than three (3) years before the date of application and, in the case of an arbitrator or adjudicator, has published at least two (2) written awards or decisions (as the case may be).

Members

Members shall be elected by the Council and every candidate for election shall fulfill the following conditions in that he/she: - *[amendment approved on 29/7/2021]*

- 1 fulfills the conditions for election to be an Associate as stated in 5.1 (read with the provisos); and
- 2 satisfies the Council either as to his/her actual involvement in the arbitration process or other ADR processes as an arbitrator, adjudicator, mediator, counsel, expert witness or advisor, or as to his/her actual experience in making judicial decisions for not less than two (2) years in a court of law or judicial tribunal, or as to his/her proficiency in the law and procedure relating to arbitration or other ADR processes. *[amendment approved on 29/7/2021]*

Provided that : -

- (a) where a candidate has completed a Diploma in Arbitration (or its equivalent) or a membership upgrade course conducted by the Institute, the Council shall have the discretion to elect the candidate to be a Member of the Institute. *[amendment approved on 29/7/2021]*

Fellows

Fellows shall be elected by the Council and every candidate for election shall fulfill the following conditions in that he/she: - *[amendment approved on 29/7/2021]*

- 1 be a member of the Institute for a period of not less than five (5) years. *[amendment approved on 29/7/2021]*
- 2 satisfies the Council that he/she is a fit and proper person to be made a Fellow. *[amendment approved on 29/7/2021]*
- 3 has practised as an arbitrator, adjudicator, mediator, or counsel representing parties in the arbitration, adjudication, mediation or litigation of disputes for not less than ten (10) years and satisfies Council as to his/her proficiency in the law and practice relating to arbitration or other ADR processes. Provided always, that Council may waive this requirement in the case of a candidate who has at least five (5) years' experience as aforesaid and passes any assessment or examination as may be prescribed by Council from time to time to evaluate the candidate's proficiency in the law and practice relating to arbitration or other ADR processes. *[amendment approved on 24/10/2011]*
[re-amendment approved on 29/7/2021]
- 4 provided always that Council may, in exceptional circumstances, waive the requirement that the candidate for election as a Fellow shall have attained the age of thirty-five (35) years in the case of candidates holding a professional qualification recognised by Council and/or the requisite experience as justifying such a waiver or the requirement of a period of satisfactory training. *[amendment approved on 29/7/2021]*
- 5 provided always that Council may waive the requirements aforesaid and directly elect as a Fellow candidates who are already Fellows of a national arbitration institute or organisation (of equal standing) where Council considers the candidate to be a fit and proper person to be so elected. *[amendment approved on 29/7/2021]*
- 6 provided always that the Council may, in exceptional circumstances set out below, waive totally or partly the requirement that the candidate for election as a Fellow shall have been a Member of the Institute for not less than five (5) years in the case of:-
 - (a) a candidate who has been actively practising as an arbitrator or adjudicator in the settlement of contract or industrial or commercial disputes for not less than five (5) years, who satisfies the Council as to his/her proficiency in the law and procedure relating to arbitration or other ADR processes, and who is of considerable reputation in arbitration or other ADR matters; or *[amendment approved on 29/7/2021]*

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(b) a candidate who has been actively involved in arbitrations or adjudications in the settlement of contract, industrial or commercial disputes in his/her capacity as arbitrator or adjudicator or counsel or as administrative head or director of a national or international arbitration institute or body, and with whom the Council is satisfied as to his/her proficiency in the law and procedure relating to arbitration or other ADR processes, and whose election as a Fellow would in the opinion of the Council, enhance or promote the image or reputation of the Institute; or

[amendment approved on 29/7/2021]

(c) a candidate who is or has been a Judge of the High Court (or its equivalent) or a Judge of a Court of higher hierarchy, whether in Malaysia or outside Malaysia, and with whom the Council is satisfied as to his/her proficiency in the law and practice relating to arbitration or other ADR processes.

[amendment approved on 29/7/2021]

7 for the purpose of this Rule "counsel" shall include any person who represents a party in an arbitration or other ADR processes and conducts the arbitration or other ADR processes on its behalf.

[amendment approved on 24/10/2011]

[re-amendment approved on 29/7/2021]

Affiliates

1 Any graduate, undergraduate or person who is unable to qualify as an Associate under the conditions stipulated in 5.1 but who intends to so qualify shall be entitled to join the Institute as an Affiliate provided he/she satisfies the Council that he/she is fit in all respects to be a proper person for admission as an Affiliate.

[amendment approved on 29/7/2021]

2 Any person admitted as an Affiliate shall take up approved training to qualify as an Associate within five (5) years of his/her admission as an Affiliate, failing which any extension of membership as an Affiliate shall be subject to the approval of Council and Council may prescribe such conditions thereto as it thinks fit.

[amendment approved on 29/7/2021]

Corporate Membership

1 Any professional institution, professional association, trade body, corporation, partnership or business, whether in Malaysia or outside Malaysia, is entitled to be elected by the Council as a Corporate Member.

[amendment approved on 29/7/2021]

2 Every candidate for election as a Corporate Member shall satisfy the Council as to the candidate's actual involvement in duties, activities, work, business and/or services are such as to cause them to deal, participate or work in the area of the law and/or practice relating to arbitration or other ADR processes.

[amendment approved on 29/7/2021]

3 The Corporate Member shall have its authorised representative exercise all rights and benefits under the corporate membership, which the Council may at its discretion determine.

[amendment approved on 29/7/2021]

Subscriptions

1 Annual subscriptions and Entrance Fees for membership shall be as follows:

		Entrance fee	Annual Subscription Fee
(1)	Associate	RM 250.00	RM 150.00
(2)	Member	RM 250.00	RM 200.00
(3)	Fellow	RM 250.00	RM 250.00
(4)	Affiliate	RM 50.00	RM 50.00
(5)	Corporate Member	RM1,000.00	RM 500.00

2 Entrance Fee shall be payable only once upon the first admission to the membership of the Institute. A candidate whose membership is upgraded to a higher category in a particular year shall, in addition to the annual subscription for his previous category, also pay an annual subscription for the higher category in respect of the same year.

4 A member who has attained the age of sixty-five (65) years or more shall be exempted from payment of annual subscriptions provided that he/she had not been struck off/removed from the register of members and for five (5) years immediately preceding such exemption he/she had been a member in good standing and had fully paid up all dues to the Institute. This provision is not applicable to Corporate Members.

*[new clause approved on 24/10/2011]
[amendment approved on 29/7/2021]*