

BYLAWS OF THE ARBITRATION BOARD

KRISTIANSAND CHAMBER OF COMMERCE

1. BACKGROUND.

- 1.1. Kristiansand Chamber of Commerce wants to offer the industry and commerce in the region an opportunity to settle disagreements through out-of-court mediation or arbitration. As a measure, a set of rules and regulations on how mediation or arbitration is to be conducted has been established.
- 1.2. The Arbitration board is to be an independent body with a supervisory administrative control of the arbitration arrangement. The Chamber of Commerce shall act as secretariat for the Arbitration board.

2. MAIN TASKS OF THE ARBITRATION BOARD.

2.1. The Arbitration board shall;

- (1) Appoint a mediator or arbitrator when this is requested by one of the parties in accordance to with a contract;
- (2) Address complaints about mediators or arbitrators as stipulated in Regulations for Mediation and Arbitration by the Chamber of Commerce (henceforth the Regulations), and if necessary appoint a new mediator or arbitrator;
- (3) Prepare and update records of available mediators and arbitrators;
- (4) Ensure that the Regulations are updated when this is rendered necessary due to new legislation or when the Arbitration board sees fit to make changes;

2.2. The Arbitration board may make such adaptation as the Arbitration board finds necessary at any given time to maintain the arbitration agreements reputation and to assure that every relevant law and regulation are met.

2.3. The Arbitration board may not;

- (1) Intervene in an ongoing arbitration case other than after a complaint as mentioned under item 2.1.
- (2) Jointly or separately take on a duty as a mediator or arbitrator in a dispute where the Regulations are to be made use of.

3. APPOINTMENT TO THE ARBITRATION BOARD.

- 3.1. The Arbitration board must consist of three members plus one deputy member who can step in for the others. All of them are appointed by the Chamber of Commerce board of directors. The Arbitration board shall propose a new board - or a deputy member - at least one month in advance of the election period's end.
- 3.2. The chairman of the Arbitration board must be a legal professional (jurist), but not necessarily an active lawyer. One member must be a legal professional (jurist). The third member must be a business man in Vest-Agder.
- 3.3. The chairman of the Arbitration board and the deputy member is elected for three years at a time. The other members are elected for two years at a time. The members of the Arbitration board and the deputy member may be reelected once.
- 3.4. A member of the Arbitration board may retire before his or her elected period is at an end when the member no longer feels able to carry out the task. The abovementioned rules for appointing a new member still apply.
- 3.5. The members of the Arbitration board and the deputy member must retain an *immaculate police record*. Should this precondition fail, or if two of the Arbitration board's members think the third member or the deputy member is no longer fit to attend to his or her duties, these two members can call for an election of a replacement, independent of whether or not the period mentioned in item 3.3 is at an end.
- 3.6. If a new election is held following item 3.4 or 3.5 the election is valid for the remainder of the withdrawer's period.

4. NOTICE OF BOARD MEETING, INABILITY TO ATTEND.

- 4.1. The chairman of the Arbitration board sends out notice of board meeting. Board meetings may be conducted as a conference call, or any other satisfactory manner.
- 4.2. If a member is unable to attend he shall as soon as possible notify the chairman and the deputy member whom will attend in place of the person concerned.
- 4.3. One board meeting is to be held every year in January. In this meeting the Arbitration board shall sign a short report about the Arbitration board's undertakings the previous year. Otherwise a notice of board meeting is sent out when the chairman of the Arbitration board thinks it is necessary or when a member of the board calls for a board meeting.

5. RESOLUTIONS.

- 5.1. When nothing else is laid down in these Bylaws the Arbitration board has quorum when all members or two members and the deputy member is present.

- 5.2. When nothing else is laid down in these Bylaws the Arbitration board's majority backed decision applies.
- 5.3. If two of the elected are disqualified the remaining two may come to a decision which otherwise fall within item 5.1.
- 5.4. The chairman of the Arbitration board may appoint a mediator and/or arbitrator by himself or herself if requested by a party to the disagreement. The same applies for two members of the board or one board member and the deputy member.
- 5.5. A resolution to change these Bylaws or a resolution to change the Mediation and Arbitration Regulations drawn up by Næringsforeningen may only be done when all members of the board are present and the decision is unanimous.
- 5.6. The Arbitration board's resolution shall be recorded. A member that votes against a resolution may insist that this is recorded.

6. LEGAL COMPETENCE

- 6.1. No one may take part in the hearing of a case or the settlement of a query where this is of such great importance for the member or his or her close relatives, that the member must be considered to have considerable personal or economic interest in the hearing of the case or query.
- 6.2. No one may take part in the hearing of a case or a settlement of a query when he or she has employment or a position of trust or other particularly close connection to a public or private enterprise which has economic or other special interests in the case or the settlement of the query.
- 6.3. No one may participate in the appointment of a mediator and/or arbitrator(s) when he or she has close connections to the dispute or interests in its outcome.
- 6.4. Members of the board or deputy member are to evaluate their own legal competence and if in doubt inform the Arbitration board's other members. The other members will decide if disqualification is necessary if the member does not choose to withdraw from the hearing.
- 6.5. If a party to the dispute that wants a mediator or an arbitrator(s) appointed claims that a member is not legally competent the other members will undertake the appointment.

7. ARCHIVE, SECRETARIAT.

- 7.1. The chairman of the Arbitration board is to create a simple archive which is to contain the Arbitration board's correspondence, including especially all the appointments of mediators and arbitrators.
- 7.2. The archive is also to contain board minutes, and the end-of-year reports from the Board to Næringsforeningen.

7.3. The Board of Næringsforeningen may at any time demand to be allowed to review the archive.

7.4. Næringsforeningen shall if necessary assist the Arbitration board with secretariat services.

8. LIMITATION OF LIABILITY.

8.1. Members of the Arbitration board or the deputy member may only be held liable for damages due to erroneous or inadequate execution of their tasks if he or she has caused economic damage due to willful or criminal negligence or omission.