

**ANNEXURE 3
NEW DIRECTIVE**
in relation to the Goods and Services Tax Act 2014
and the removal of the prescription of detailed fees

DIRECTIVE ON COSTS AND FEES FOR ARBITRATION	No. 513.5-001
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Relevant to : Rules 513.5A and 513.8B
Introduced with effect from : 1 April 2015
Amended : N/A
TP Circular No(s). : N/A
Refer also to Directive No(s). : N/A

1. Rules 513.5A and Rules 513.8B

- (1) Rule 513.5A requires the parties to an Arbitration to pay the costs and fees the Exchange stipulates in the manner and within the period the Exchange specifies.
- (2) Rule 513.8B requires the appellant to an Arbitration to pay the costs and fees the Exchange stipulates in the manner and within the period the Exchange specifies.
- (3) In connection with the above Rules, the parties to an Arbitration must, amongst others, pay the costs and fees and comply with the requirements set out in **Schedule 1** of this Directive.
- (4) **“Price payable is exclusive of GST”**
 - (a) The Exchange has obtained an approval to display prices exclusive of the Goods and Services Tax (“GST”) under subsection 9(7) of the Goods and Services Tax Act 2014. Accordingly, each fee, charge or amount payable to the Exchange set out in this Directive does not include GST i.e. **price payable is exclusive of GST**.
 - (b) 6% GST is payable on all fees, charges or amounts payable (unless otherwise specified by the Exchange in accordance with the Goods and Services Tax Act 2014), and will be billed in the tax invoices issued in relation to such fees, charges or amounts payable.

[End of Directive]

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Schedule 1

Type of costs and fees		Amount to be paid and conditions in relation to costs and fees
ARBITRATION PANEL PROCEEDINGS	Hearing fee	(i) The hearing fee is RM2,000. (ii) The fee is non-refundable and must be paid in advance by both parties to the Dispute.
	Costs of Services	(i) The initial deposit for services is RM2,000 or an amount as determined by the Exchange. (ii) The deposit and any other amounts claimed from the parties will be used to reimburse the Exchange for any services provided to the parties including secretarial facilities, accommodation and translation fees.
	Arbitrators' fees	(i) The fee must be paid by the parties upon nomination/appointment of Arbitrators. (ii) The Exchange will determine the rate of fee taking into consideration the complexity of the case, the nature of the Dispute and the length of the hearing (a minimum of RM500 will be charged).
	Umpire's fees	(i) The fee must be paid by all parties in equal proportion upon the appointment of the Umpire. (ii) The Exchange will determine the rate of fee taking into consideration the complexity of the case, the nature of the Dispute and the length of the hearing (a minimum of RM500 will be charged).

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Type of costs and fees		Amount to be paid and conditions in relation to costs and fees						
	Travel and accommodation	<p>(i) When Arbitrators are appointed, each party must deposit with the Exchange an amount equivalent to 3 days' allowance for expenses of the Arbitrators at the rate of RM350 per person.</p> <p>(ii) Each party must provide (if required) a return air ticket for their respective Arbitrator.</p> <p>(iii) The total cost of the tickets of the Umpire must be shared by all Claimants and Defendants in equal proportion.</p>						
DISPUTE SUB-COMMITTEE PROCEEDINGS		<p>The following fees must be paid in advance by the Claimant:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Claim or Grievance Amount</th> <th style="text-align: center;">Amount to be paid in relation to costs and fees</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">RM5,000 and above</td> <td style="text-align: center;">RM2,000 (non-refundable)</td> </tr> <tr> <td style="text-align: center;">Below RM5,000 (deemed as small claim)</td> <td style="text-align: center;">RM100 (refundable at the discretion of the Exchange)</td> </tr> </tbody> </table>	Claim or Grievance Amount	Amount to be paid in relation to costs and fees	RM5,000 and above	RM2,000 (non-refundable)	Below RM5,000 (deemed as small claim)	RM100 (refundable at the discretion of the Exchange)
Claim or Grievance Amount	Amount to be paid in relation to costs and fees							
RM5,000 and above	RM2,000 (non-refundable)							
Below RM5,000 (deemed as small claim)	RM100 (refundable at the discretion of the Exchange)							
APPEAL BOARD HEARING		The fee is RM3,000 (non-refundable) and must be paid in advance by the appellant.						

[End of Schedule 1]