



Arbitration and Mediation Court of the Caribbean Inc.

Schedule of Mediation Costs

2018

Effective January 2018 for mediations conducted under the Arbitration & Mediation Court of the Caribbean Inc. (“AMCC”) Mediation Rules.

This schedule of mediation costs (the “Schedule”), as amended from time to time by AMCC, forms part of AMCC’s Mediation Rules, and will apply in all current and future arbitrations as from its effective date. All amounts are in Barbados Dollars, hereinafter “BBD”.

1 Registration Fee

A registration fee is payable in advance by each party and is applicable to all mediations administered by AMCC, and to each claim or counterclaim. The Registration Fee is non-refundable and applied as follows:

International disputes: **BBD \$500**

Non-International disputes: **BBD \$300**

2 Mediation Fees

- i) The Mediation Fees are payable for mediations conducted and administered under AMCC's Mediation Rules, unless the parties have agreed to an alternative method of determining the Mediator's fees pursuant to AMCC's Mediation Rules.
- ii) The Mediation Fees are calculated in accordance with the hourly rate of the parties' selected mediator, which may vary according to the circumstances of the case and the qualifications of the mediator. The rate will be advised by the AMCC and agreed with the parties prior to the appointment of the mediator and will generally be at an hourly rate between BBD 200 to BBD 1,000, to be shared equally between the parties.
- iii) Additional to the fees provided in Article 3 (i) and (ii) above, the AMCC shall also recover such expenses as are reasonably incurred in connection with the mediation by either the AMCC or the mediator, and as are reasonable in amount, provided that claims for expenses are supported by invoices and receipts.
- iv) The Mediation Fees will be invoiced in Barbados Dollars, and may be subject to Value Added Tax at the prevailing rate and all additional taxes, duties and other payments imposed under applicable law.

3 Payment

- i) Invoices for Mediation Fees will be sent to the parties once the mediation date has been set and are payable within 14 days thereof or no later than one week in advance of the mediation. Failure to settle invoices within this time will lead to

the postponement of the mediation at the AMCC's discretion, and cancellation fees will apply as detailed below.

- ii) If the mediation has been scheduled at short notice (less than one week prior to the mediation date), special arrangements must be agreed with the AMCC to ensure payment is made before the mediation commences.
- iii) In some circumstances, payment by cheque on the day of the mediation will be accepted subject to prior agreement with the AMCC.
- iv) Failure to agree one of these payment methods at least one working day prior to the mediation date will result in the mediation being cancelled and the parties incurring 100% cancellation charges. The party failing to agree terms shall be responsible for payment of the cancellation fee in full. Should additional parties to the mediation fail to agree on payment, the cancellation charges will be shared equally between them.

4 Invoices

- i) Unless a party is acting in person, invoices will be addressed to and payable by the attorneys or other lead advisers of each party with whom arrangements are made for the mediation. Invoices will be issued on the following basis:
 - First invoice – the estimated mediation fee to include preparation and mediation hours and any expected expenses;
 - Second invoice – any additional preparation or mediation hours or expenses not included on the first invoice.

5 Cancellation or Postponement

- i) In the event of cancellation or postponement by either party received by the AMCC in writing:
 - More than fourteen days before the mediation was due to take place and after the mediator and date have been confirmed, the AMCC will invoice any irrecoverable expenses and a \$500 per party in international cases and \$300

per party in domestic cases.

- Fourteen days or less but more than seven days before the mediation was due to take place, the AMCC will invoice 50% of the mediation fees and all irrecoverable expenses incurred.
 - Seven days or less but more than one working day before the mediation was due to take place, the AMCC will invoice 75% of the mediation fees and all irrecoverable expenses incurred.
 - One working day before the mediation was due to take place, the AMCC will invoice 100% of the mediation fees and all irrecoverable expenses incurred.
- ii) These cancellation provisions are applicable without prejudice to party's right to recover costs from any party it may consider to be at fault for the cancellation.
- iii) The parties are jointly and severally liable for the cancellation fees unless agreement to alternative arrangements is reached with the AMCC, any appointed mediator and recorded in writing.