

# SAWEM RULE 3 - DISPUTE RESOLUTION PROCESS

## **Introduction**

- (1) These Rules form part of the Market Code and Rules governing the South African Wholesale Electricity Market (SAWEM).
- (2) The Dispute Resolution Process provides for the required process to resolve disputes between Parties to the Market Code.
- (3) The definitions in the Market Code apply to these Rules unless specified otherwise.

## **Dispute Resolution**

- (4) The claimant is required to submit its statement of claim to the DRB within fifteen business days of referring the dispute;
- (5) The statement of claim must set out all the material facts / submissions and be accompanied by all relevant documentation upon which the claim is based;
- (6) The DRB must provide the respondent with a copy of the statement of claim;
- (7) The respondent must, within fifteen business days of receiving the statement of claim, furnish the DRB with its written response and all relevant accompanying documents / evidence;
- (8) The claimant is entitled to, within three business days of receipt of the respondent's response, seek leave to deliver a reply. If such leave is granted by the DRB, the claimant must deliver its reply within ten business days of leave being granted;
- (9) The DRB may require the claimant to provide a written reply to the respondent's response within ten business days of the DRB's direction to deliver a reply;
- (10) The DRB may require the parties to supplement their statements or provide further evidence or information as they deem necessary within a reasonable time as specified by the DRB;
- (11) The DRB may make a decision regarding any issues relating to the dispute or consider the dispute on the basis of the written submissions, without the necessity of a hearing;
- (12) Alternatively, if the DRB requires an oral hearing, it must, after ascertaining the parties' availability, furnish the parties with written notification of the date on which the dispute will be heard;
- (13) The dispute resolution proceedings will be conducted without the presence of the legal representatives of any of the parties, unless the DRB decides otherwise;
- (14) The DRB has the discretion to call upon any third party to participate in the dispute resolution proceedings;

- (15) The DRB must make its decision on the merits / substance of the dispute within twenty one business days of the later of receiving all written submissions or requested information, or the oral hearing;
- (16) The DRB must furnish its decision to the parties in writing and must provide written reasons for its decision; and
- (17) If the DRB is of the view that the dispute is of such a complex nature that it cannot be resolved expeditiously by means of the dispute resolution process and can only be properly considered by a court of law, it must notify the parties of this view as soon as reasonably possible.