

RICS Dispute Resolution Service (DRS)

Request for the appointment of an Arbitrator on Construction and Engineering disputes in England, Wales and Northern Ireland.

If you require the nomination of an adjudicator please complete the separate Adjudication application form (DRS2C).

Notes to consider before completing the application:

- RICS does not have the duty or power to interpret a contract, lease or other document and decide whether or not your application is valid. RICS acts in an administrative capacity and will make an appointment in accordance with your application. It is important that you check carefully to ensure that you have the right to make the application and that it is made in accordance with the requirements of the contract or lease.
- RICS DRS reserves the right to copy the application and/or any accompanying documentation to the responding party and/or representatives. This is on the basis that your application is accepted.
- This application form is the contract between the applicant and the President/Chairman and we will rely entirely upon the information contained herein. The information submitted on this application is accepted as being accurate and complete. Neither RICS or the appointed dispute resolver accept liability in relation to the appointment, if the information provided is inaccurate or incomplete.
- Your application is processed on the basis that appointments are often made on behalf of the President/Chairman of RICS by one of the duly appointed agents.
- Please ensure that a copy of the relevant arbitration agreement is provided. If an agreement is not available, RICS can provide a sample ad-hoc arbitration agreement for execution by the parties.

Type of arbitration appointment

Please indicate whether you require an appointment under the:

- Select Arbitration Service Fast Track Arbitration Service

Authority to appoint

Do you require an appointment by: RICS President (England & Wales) RICS Chairman (Northern Ireland)

Information about the dispute

It is essential RICS receives sufficient information about the type of dispute to enable an appropriate arbitrator to be identified and appointed. The arbitrator will also require sufficient information to satisfy him/herself that the dispute is within the areas of his/her own normal professional expertise. It maybe necessary to provide a summary or extract from an appropriate document.

Address of the subject property [please provide the full address, including the post code]:

Town/city: _____ Post code: _____

Please provide brief details of the nature of the dispute:

Value of the claim: _____

Value of the counterclaim if known: _____

Where is the arbitration agreement?: _____

Please provide a copy of the agreement, if there is no agreement, would you like to use the RICS agreement Yes No

Information about the parties and their representatives

The parties professional representatives must be stated. If a party is unrepresented, please ensure contact numbers are email addresses are included. RICS DRS will forward all relevant correspondence to them. Normally correspondence from DRS is sent by email. Therefore, it is important that you provide email addresses.

Applicant/Claimant

Firm name: _____

Address: _____

Town/city: _____ Post code: _____

Email: _____ Telephone: _____

Non Applicant/Respondent

Firm name: _____

Address: _____

Town/city: _____ Post code: _____

Email: _____ Telephone: _____

Applicant/Claimant representative

Title: _____ First Name: _____ Last Name: _____

Designation: _____ RICS Membership Number (if applicable): _____

Firm name: _____

Address: _____

Town/city: _____ Post code: _____

Telephone: _____ Mobile: _____

Direct line: _____ Email: _____

Referring party: Yes No

Non-applicant/Respondent representative

Title: _____ First Name: _____ Last Name: _____

Designation: _____ RICS Membership Number (if applicable): _____

Firm name: _____

Address: _____

Town/city: _____ Post code: _____

Telephone: _____ Mobile: _____

Direct line: _____ Email: _____

Referring party: Yes No

Professional background of the arbitrator

Are there any specific requirements detailed in the contract or agreed between the parties?

Yes No (if there are no requirements please state none below)

Please indicate any **specific requirement** (as detailed in the contract or agreed between the parties relating to the potential Arbitrator for example: experience, qualifications, time restrictions or if the decision requires reasons)

Authority for RICS to appoint

Generally a unilateral application can be made if an agreement is in place that provides for this. If no agreement is in place, a joint application should be made. RICS will appoint on request and will not become involved in a dispute as to whether the application is valid.

Please indicate if the application is a unilateral or joint appointment: Unilateral Joint

Please indicate the document that gives authority for the RICS President/Chairman or duly appointed agent to make an appointment:

Contract Lease Court Order Joint Agreement of the parties Other (please state):

Conflicts of interest

RICS will take reasonable steps to ensure that the Arbitrator is free from conflict of interest. It is therefore essential that you provide details of the parties (including any parent and/or subsidiary companies or related entities that a prospective appointee would need to consider in their conflict checks).

If in your view there are any potential Arbitrators who would have a conflict of interest in this case, you should list them below. Please also provide for each such person, brief but clear reasons for this statement. Your attention is drawn to the decision in Eurocom Ltd -v- Siemens Plc [2014] EWHC 3710 (TCC) to effect the misrepresentation in this statement could vitiate the appointments process in its entirety rendering any award made unenforceable:

Name	Firm	Reason

Please note: While the President/Chairman will give careful consideration to any representations, he/she will reach his/her own decision as to who is appointed and always retains an unfettered discretion to any dispute resolver he/she regards as suitable.

How to pay

For an application under the **fast track arbitration and construction engineering service** RICS charges an administration fee of **£425.00** inclusive of VAT to make an appointment. This payment is non refundable whether or not the President/Chairman makes the appointment [e.g. if the matter is settled by agreement and the application is withdrawn].

Please note: RICS is phasing out cheque payments over the next six months [from September 2019]. Therefore, if you are a regular customer, you may wish to set up a trade account with RICS to pay for a request for a dispute resolver. If you would like to set up a trade account, please email drs@rics.org for assistance with this. Alternatively, you can make a payment via BACS or card; please see details below. Please note that we will be moving to an online platform over the next 12 months which will offer more flexibility with regards to payments.

You can choose to pay by the following:

- Providing a cheque made payable to RICS. Please detail your name and details of the parties in dispute on the reverse so that the payment can be allocated.
- A card payment. One of our advisors will contact you to arrange payment. Please tick this box:
- Debit my RICS trade account number:
- Account holders will be invoiced by our finance department. To apply for an account please email drs@rics.org

RICS is unable to accept credit or debit card details by email due to PCI compliance regulations. Please be aware the referring party has responsibility to ensure that payment is complete applications are unable to be processed without full payment.

If you are applying under the **select arbitration and construction engineering service** there is no administrative fee.

Application submitted by:

Name: _____

Firm name: _____

Date: _____

Signature: _____

If it is a **joint application** can the responding party or their representative detail their name, firm name and sign and date below:

Name: _____

Firm name: _____

Date: _____

Signature: _____

Submitting this application to DRS confirms that you have read and understand the explanatory notes contained in this application form. Your application is accepted on this basis.

Your privacy

RICS takes the privacy and security of the personal information you provide very seriously. Your details are held in a secure database with authorised access only. We apply data processing policies in compliance with the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations [EC Directive 2003]. RICS will not use the information you provide in this application to contact you with offers of products and services. Nor will RICS share your information with third parties for the purpose of sending you details of offers of products and services.

Explanatory notes

- RICS has a duty to act independently and transparently when appointing an Arbitrator. On receipt of a request, DRS will select a suitably qualified Arbitrator who is free from conflicts of interest normally from the President/Chairman's panel of Construction Arbitration and Engineering specialists. Details of your application will be sent to prospective third parties to help them decide whether they are able to take on the appointment.
- After checking that the Arbitrator meets the criteria an appointment is confirmed on or on behalf of the President/Chairman and the parties and the Arbitrator is notified.
- To help DRS select someone who will have the confidence of the parties we rely on the information given in your application. An incomplete or incorrect application can result in an inappropriate appointment. It is vital that you complete all sections of the application form; incomplete sections may result in delays.
- RICS DRS reserves the right to copy the application and/or any accompanying documentation to the responding party and/or representatives. This is on the basis on that your application is accepted. RICS by law is not required to provide a copy of the application form and correspondence to the non-applicant party. As a matter of good practice RICS will provide this to the non-applicant party on request.
- As a matter of policy RICS may forward the information contained in an application form and any supplementary documentation in the case details, to the non-applicant party in dispute and/or the representatives. Details of the case will also be sent to prospective third parties to help them decide whether they can or cannot take on the appointment.
- If the dispute is resolved before the President/Chairman makes an appointment, you must notify RICS as soon as possible.
- If it is a unilateral appointment, RICS does not have the duty or power to interpret the document that gives the parties the right to apply for a Arbitrator to decide whether or not your application is valid.
- RICS DRS acts in an administrative capacity and will make an appointment in accordance with your application. It is important that you check carefully to ensure that you have the right to make the application, and that your application is made in accordance with the requirements of the contract.
- Parties are reminded that by completing this application they will be jointly and severally liable, under contract or statute, for payment of the Arbitrators' reasonable fees (including abortive fees for any work undertaken if the matter is settled before a decision is given).
- Your application will be processed on the basis that appointments are often made on behalf of the President/Chairman of RICS by one of his/her duly appointed agents.
- RICS DRS will not always seek comments from the parties on disclosures made by potential appointees. In some cases the President/Chairman may decline to appoint someone, even if they are satisfied that the potential Arbitrator has no conflicts of interest. Before an appointment is made RICS DRS will take into account a range of factors including representations made by both parties.