

DRS2

## RICS Dispute Resolution Service (DRS)

Request for the appointment of a Dispute Resolver on matters other than Commercial Rent Reviews and Construction Adjudications in England, Wales, Scotland and Northern Ireland.

This form can be used for a wide variety of disputes and the information required will differ accordingly.

Types of dispute can include:

- the request for a single joint expert witness for the court
- the valuation of a matrimonial home in divorce proceedings
- a construction dispute
- a partnership dispute
- a dispute over the exercise of an option to purchase
- a dispute over development land or any other dispute where the RICS President/Chairman is named or agreed as the appointer of a dispute resolver.

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 or lease 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.

### Authority to appoint

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

### Information about the dispute

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

Address (please provide the full address, including the post code): \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Brief Description of the dispute:

What capacity do you require the dispute resolver to act? (please tick):

Arbitrator     Independent Expert     Expert Witness     Valuer     Other (please specify)

### Expert Witness applications

Please complete this section if you are applying for the appointment of a single joint Expert Witness.

Please detail the nature of the evidence required:

The court to be used: \_\_\_\_\_

The dates of when the proceedings are scheduled: \_\_\_\_\_

How long the case is likely to take: \_\_\_\_\_

Please specify the date the report has to be filed to the court: \_\_\_\_\_

Who will be responsible for the Expert witnesses fees? \_\_\_\_\_

Are they subject to the direction of the court?     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 and 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: \_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Original landlord: \_\_\_\_\_

Parent Associated companies: \_\_\_\_\_

### Non-applicant/Respondant

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Original landlord: \_\_\_\_\_

Parent Associated companies: \_\_\_\_\_

### Applicant/Claimant representative

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_

Designation: \_\_\_\_\_ RICS membership number (if applicable) \_\_\_\_\_

Firm name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

Referring Party:  Yes  No

### Non-applicant/Respondant representative

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_

Designation: \_\_\_\_\_ RICS membership number (if applicable) \_\_\_\_\_

Firm name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Direct line: \_\_\_\_\_ Email: \_\_\_\_\_  
Referring Party:  Yes  No

### Professional background of the dispute resolver

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 dispute resolver for example: experience, qualifications, time restrictions or if the decision requires reasons)

### Authority 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)

### Conflict of Interest

RICS will take reasonable steps to ensure that the dispute resolver 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 dispute resolvers 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, they will reach their 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

RICS charges an administration fee of **£425.00** inclusive of VAT to make a nomination. 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). If RICS is requested to make a further nomination because of a technical error by the referring party, a charge of 50% of the application fee will be payable.

A card payment can be completed online through the RICS secure portal we will provide instruction on how to do this within the formal acknowledgement communication that is sent. To help us bill the correct person on this matter. Please indicate who will be making the payment e.g. referring party representative of the referring party contact.

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If you are using your bank or building society to pay the application fee.

#### RICS Bank account details:

Account number: 30786339

Sort code: 56-00-45

Swift Code: NWBK GB2L

You must provide your name, your firm name, and the date of your application. This will ensure that your payment is correctly allocated and your application is processed. Please email a copy of the remittance to [bacs@rics.org](mailto:bacs@rics.org)

#### Trade Accounts

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](mailto: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.

### Application submitted by:

Name: \_\_\_\_\_

Firm name: \_\_\_\_\_

Date: \_\_\_\_\_

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

Name: \_\_\_\_\_

Firm name: \_\_\_\_\_

Date: \_\_\_\_\_

Submitting this application to RICS Dispute Resolution Service 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 a dispute resolver. On receipt of a request, DRS will select a suitably qualified dispute resolver who is free from conflicts of interest normally from the President/Chairman's panel of dispute resolvers. 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 dispute resolver meets the criteria an appointment is confirmed on or on behalf of the President/ Chairman and the parties and the dispute resolver 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 dispute resolver 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 may be jointly and severally liable, under contract of statute, for payment of the dispute resolvers' 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 dispute resolver 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.