

DRS2C

# RICS Dispute Resolution Service (DRS)

Request for the nomination of a construction adjudicator in the United Kingdom.

Most forms of construction contract, particularly standard form contracts, provide for adjudication. If a construction contract does not provide for adjudication, then Section 108, Housing Grants, Construction and Regeneration Act 1996 (the Act) gives any party to a construction contract a statutory right to have a dispute decided by an adjudicator.

RICS is an Adjudicator Nominating Body (ANB). RICS may be named in a contract as the nominator of an adjudication. Alternatively, the referring party may unilaterally decide to apply to RICS to nominate an adjudicator in the absence (or unavailability) of any particular nominator or ANB being named in the contract. To help you complete this application, please refer to the explanatory notes contained in this application for guidance.

## Notes to consider before completing the application:

- Applications must be made on the standard application form (DRS2C) and include payment of the appropriate fee and a copy of the Notice of Adjudication.
- Applications should be emailed to RICS Dispute Resolution Service ([drs@rics.org](mailto:drs@rics.org)) and must include the full contact details of the payee so that a card payment can be made or alternatively supply a BACS transfer; see payment section of application.
- RICS has five days from the date the application is received (including weekends but excluding Bank Holidays) to nominate an adjudicator. In order to ensure RICS has sufficient time to nominate an appropriate adjudicator, the application should be submitted as soon as possible after the Notice of Adjudication has been served.
- Normally, the referring party has seven days from the date of the Notice of Adjudication to refer a dispute to an adjudicator. Once RICS has nominated, the dispute must then be referred to the adjudicator within the stipulated period
- RICS reserves the right to copy this application to the responding party
- This application form is the contract between the applicant and RICS and we will rely entirely upon the information contained herein. The information submitted on this application is accepted on being accurate and complete. Neither RICS nor the adjudicator can accept liability in relation to the nomination, if the information provided is inaccurate or incomplete.
- Your application is processed on the basis that nominations are often made on behalf of the President or Chairman of RICS by one of the duly appointed agents.

If you believe that this dispute can be determined under the [Construction Industry Council Low Value Dispute Model adjudication procedure \(CIC LVDMAP\)](#) and that you wish the adjudicator to consider adopting this procedure please tick the box below: ☐

### Information about the dispute

To assist in nominating a suitable adjudicator, please provide information about the dispute.

Address of the project: \_\_\_\_\_

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

Brief Description of the dispute: \_\_\_\_\_

The amount in dispute (if applicable) £ \_\_\_\_\_

Is the application made under: ☐ Scheme ☐ Contract

If the application is made under a contract, please state the form of contract and whether any specific rules apply: \_\_\_\_\_

If the application is made under a contract and requires the nomination to be made by an individual or office bearer (e.g. Chairman/President), please specify: \_\_\_\_\_

A copy of the Notice of Adjudication **must** accompany this application.

### Information about the parties and their representatives

Please ensure the full details of the parties are correctly stated including contact details. Errors in this information may lead to an inappropriate or unsuccessful appointment. Incorrect information will prevent the proposed dispute resolver carrying out a thorough check for any potential conflicts of interest. The parties' professional representatives must be stated. RICS DRS will forward all relevant correspondence to them. Communications from RICS are sent by email so it is important you provide email addresses and contact numbers. The responsibility for collecting correct contact details lies with the applicant.

#### Referring Party

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

Contact name: \_\_\_\_\_

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

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

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

#### Responding Party

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

Contact name: \_\_\_\_\_

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

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

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

### Referring Party representative

Title:	_____	First name:	_____	Last name:	_____
Designation:	_____	RICS membership number (if applicable) _____			
Firm name:	_____				
Address:	_____				
_____					
Town/City:	_____	Postcode:	_____		
Telephone:	_____	Mobile:	_____		
Direct line:	_____	Email:	_____		

If you are completing this form as a party representative, please state in what capacity you are acting e.g. as a company official, a surveyor or solicitor. \_\_\_\_\_

### Responding Party representative

Title:	_____	First name:	_____	Last name:	_____
Designation:	_____	RICS membership number (if applicable) _____			
Firm name:	_____				
Address:	_____				
_____					
Town/City:	_____	Postcode:	_____		
Telephone:	_____	Mobile:	_____		
Direct line:	_____	Email:	_____		

### Professional background of the adjudicator

Sometimes it is clear from the details of the matter in dispute what sort of professional background would be appropriate. If additional skills are needed to help the adjudicator understand and give a decision on the dispute, please indicate below. Many RICS adjudicators are dual qualified, and care should be taken not to define the type of expertise too narrowly.

Please list the professional skills required (e.g. surveyor, lawyer, architect etc.):

**Please note:** RICS will give careful consideration to any special requirements and, will do its best to comply. Where the requirements are drawn too tightly, RICS reserves the right to use its discretion to make an appropriate nomination.

## Conflict of Interest

RICS will take reasonable steps to ensure the adjudicator nominated is free from conflict of interest. It is therefore essential that you provide details of the parties involved (including any companies or related entities that a prospective adjudicator would need to consider in their conflict checks). Adjudicators are required to disclose involvement or potential conflicts of interest to RICS prior to nomination. RICS will never knowingly nominate an adjudicator who has a conflict of interest.

If there are any adjudicators who in your view would have a conflict of interest in this matter, you should list them below. Please provide, for each 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 the effect the misrepresentation in this statement could void the process in its entirety, rendering any outcome made by the dispute resolver unenforceable.

Name	Firm	Reason

**Please note:** While RICS and/or the President/Chairman will give careful consideration to any representations, their will reach their own decision as to who is nominated. Notwithstanding any such statements, the RICS and/or the President/Chairman of RICS always retains an unfettered discretion to nominate any adjudicator they regards as suitable. RICS sometimes receives representations as to the identity of an adjudicator. However, each case is considered on an individual basis and RICS will not be bound by representations made.

## How to pay

RICS charges an administration fee of **£425.00** inclusive of VAT to process this application. This payment is non-refundable whether or not a nomination is made (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.

Payment options (please tick then complete relevant section):

- Card ☐
- RICS Bank account details: ☐
- Trade Account ☐

### Card payment:

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. 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. Please indicate who will be making the payment e.g. referring party or the referring party representative.

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**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**

Account holders will be invoiced by our finance department. To apply for an account please email [drs@rics.org](mailto:drs@rics.org)

**Application submitted by:**

Signature \_\_\_\_\_

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

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

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

Please tick to confirm you have read and understood the [explanatory notes](#). Your application is accepted on this basis. ☐

**Your Privacy**

We understand that your privacy and the security of your personal information is extremely important. This [Privacy Policy](#) sets out what we do with your personal information, what we do to keep it secure, from where and how we collect it, as well as your rights in relation to the personal information we hold about you.