

## Application for appointment/nomination of an *Arbitrator / Independent Expert* by the President of the Royal Institution of Chartered Surveyors

### (Dilapidations disputes)

You are encouraged to type or print all details

I / We _____ hereby request the President of the Royal Institution of Chartered Surveyors to <span style="border: 1px solid black; padding: 2px;">appoint / nominate</span> * an <span style="border: 1px solid black; padding: 2px;">Arbitrator / Independent Expert</span> * to act in the case described overleaf <div style="text-align: right; margin-top: 10px;">* delete as appropriate</div>		
<b>Landlord</b> (full names and address)		
<b>Landlord's representative</b> (name, address, telephone number and reference. State whether solicitor, surveyor, company official) i.e. person or firm to whom communication should be sent		
<b>Tenant</b> (full names, address and reference)		
<b>Tenant's representative</b> (name, address, telephone number and reference. State whether solicitor, surveyor, company official) i.e. person or firm to whom communication should be sent		
<b>Please indicate below whether in your view there are there any surveyors who would have a conflict of interest in this case. Please provide for each such person brief but clear reasons for this statement.</b>		
Name	Firm	Reasons

**Nature of dispute**

(continue on a separate sheet if necessary).

**Agreement to refer**

Is there a contract or agreement between the parties that gives the President of the RICS the power to make this appointment? If so, please attach a copy of the contract or agreement to this application.

If there is no such contract or agreement, both parties must agree, in writing, to an appointment by the President of the RICS. Signatures from both parties on this application form will be sufficient for this purpose.

**Whilst the President may have regard to any contract / agreement supplied, this application form is the contract between the applicant(s) and the President and he will rely entirely upon the information contained herein.**

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

RICS is by law not required to provide a copy of the application form to the non-applicant party and does not do so automatically. However, as a matter of good practice, RICS will provide a copy of the form to the non-applicant party on request.

*Notwithstanding any such statements, the President of RICS always retains an unfettered discretion to appoint any adjudicator he/she regards as suitable.*

We accept that in some circumstances the appointment will be made by the President through one of his Vice-Presidents or duly appointed agents and this is the basis upon which the application is submitted to you and upon which the application will be entertained. We accept that in special circumstances (to be decided by the President) it may be inappropriate for the President to make the appointment and in these circumstances it may be made by a Vice-President in his own name.

**Fees**

A fee of £425.00 inclusive of VAT (from 1 March 2017) which is solely for administrative costs must accompany all applications for appointment by the President. The fee is non-returnable whether or not the President makes the appointment (e.g. if the matter is settled by agreement).

**I / We enclose** a cheque for £425.00 (made payable to RICS).

I / We undertake to ensure that the reasonable professional fees and costs of the surveyor appointed are paid, including any fees and costs arising where a negotiated settlement is reached before the award/determination is taken up.

Signed\*\* (landlord) .....Signed\*\*(tenant).....

\*\* (Two signatures are only necessary if there is no other agreement between the parties giving the President the power to appoint. If there is such an agreement, then the applicant need only sign and date the form).

Dated..... Dated.....

To be returned to:

**RICS Dispute Resolution Services  
55 Colmore Row  
Birmingham  
B3 2AA**

**T 020 7222 7000  
(or local calls 024 7669 4757)  
F 020 7334 3802  
email [drs@rics.org.uk](mailto:drs@rics.org.uk)**