



NOTE ON SERVICES PROVIDED BY THE RIBA IN CONNECTION WITH ARBITRATION

Introduction

Many building contracts and contracts for architects' services contain clauses that provide for disputes to be resolved by arbitration. Frequently the President of the RIBA is named in these contracts as the appointer of an arbitrator. Such clauses normally provide that if the parties are unable to agree on a person to act as arbitrator within the 14 days following notice of arbitration, either party may apply to the President to make an appointment.

Where there is no existing arbitration agreement, the parties may agree after a dispute has arisen that they wish it to be resolved by arbitration and that the matter be referred to a person to be appointed by the President. In such a case both parties jointly request the President to make an appointment.

A request for an arbitrator to be appointed by the President should be made on forms provided by the Arbitration Appointments Office at the RIBA. (tel: 020 7307 3693, Fax: 020 7307 3793, e-mail: alec.grant@inst.riba.org). The Appointments Office will be pleased to send you the appropriate forms. An administration fee of £250 plus VAT is currently charged in respect of an application. A cheque should accompany the forms when they are returned.

What happens when the RIBA receives an application?

1. Contact with the other party

In the case of an application by one party, the Appointments Officer sends copies of the forms received to the other party and invites that party to supply within 7 days any further information which will assist consideration of the application and the making of an appropriate appointment. This would include information about any related dispute and thus enable the President to make an appointment in accordance with the Construction Industry Model Arbitration Rules (CIMAR).

Normally it is not necessary to supplement the information provided by the applicant. However sometimes information supplied by the other party completes the picture of the dispute and enables the President to make a more suitable appointment than he would otherwise have made.

If the other party raises matters which call into question the validity of any appointment which may be made, and which the applicant has apparently not already been made aware of, the RIBA first informs the applicant and asks for confirmation that the application is to proceed.

2. Contact with potential appointee

The Appointments Office approaches a person on the President's List (see below) whom it appears would be a suitable appointee. This is to ascertain whether the person approached

- (a) has any connection with the parties or the subject matter of the dispute which would disqualify him or her as Arbitrator and
- (b) would be able to take the case without delay.

3. The appointment

If the person approached is able and willing to take the case, the papers are sent to the President for him to make the appointment.

After the President has made his appointment the parties are informed of the identity of the appointee. They are asked to make contact with him or her for directions for a preliminary meeting. Thereafter the RIBA has no further involvement in the arbitration.

Conclusion of proceedings

Since arbitrations are generally not subject to public scrutiny it is desirable to have some form of monitoring to check that proceedings have been conducted in accordance with the reasonable expectations of the parties. Besides other things it is important that any serious shortcomings on the part of the arbitrator are brought to the attention of the President's Advisory Committee. To this purpose the RIBA will invite the parties or their representatives to complete a short questionnaire at the conclusion of the case.

Questionnaires will not be sent out however in cases which neither run to an award nor settle without active procedural involvement of the arbitrator.

The President's List

The List is comprised of those whom the President has chosen on the recommendation of the President's Advisory Committee. They are individuals considered by the Committee as capable of discharging the duties of an arbitrator, being sufficiently knowledgeable in the law and possessing expertise appropriate to the subject matter of the disputes for which the President is likely to be asked to make an appointment.

The Committee is made up of practising arbitrators and meets four times a year to consider applications to the President's List. Applicants must be able to show that they are suitably qualified, trained and experienced. All applicants are required to attend an interview.

The List includes individuals who are professionally qualified as Architects, Engineers or Quantity Surveyors. Of these some are additionally qualified as Lawyers.