

WHERE the application is made to the President RIBA for the appointment of an arbitrator under a written agreement to submit differences to arbitration within the meaning of the Arbitration Act 1996.

1. Application forms obtainable from the RIBA should normally be used.

Application Form

2. The first part only of the form “Appointment of an Arbitrator” is for completion by the Applicant/s and must be signed and dated. The form should be returned together the “Statement of Particulars” (see paragraph 5) and the requisite fee (see paragraph 6). Where legal proceedings have preceded the application see Note (2) overleaf.
3. The Form must be signed by both parties unless the arbitration agreement allows for unilateral application, in which case either may proceed unilaterally if the other is unwilling to join in the application to the President.
4. The name of a signatory must be legibly printed after the signature.

Where a party to the application is a body (firm, local authority, housing society etc.) the person signing must state on the Form in what capacity he signs and that he is duly authorised to do so on behalf of the body in question.

In the case of a company, the signatory should be a director.

In the case of a company in liquidation the appointed Liquidator must sign the Form.

In the case of a local authority, the principal officer, secretary or legal adviser should sign, not the architect who may be concerned in the dispute.

An agent acting as signatory for one of the parties must state on the Form that the party for whom he is acting has authorised him to make the application.

Statement of Particulars

5. The Statement of Particulars (SP/1, SP/2 or SP/5 as applicable)* should be submitted with the form “Appointment of an Arbitrator”. This is for use in selecting a suitable person for appointment and should include a brief outline of the matter in dispute.

* For applications under a JCT or other Main Contract in respect of a dispute between Employer and Contractor, use SP/1; for applications under a JCT or other sub-contract in respect of a dispute between Main Contractor and Sub-Contractor, use SP/2 (see also Note 1 over). SP/5 should be used where the dispute arises under a contract for professional services between Architect and Client.

Administration Fee

6. The RIBA charges a non-returnable administration fee of £300 plus VAT in respect of an application. A cheque, made payable to 'Royal Institute of British Architects', should be sent with the application. (Such charges are part of the costs of the arbitration and an arbitrator may make an award allocating the costs of the arbitration as between the parties.)

NOTES

- (1) Some building sub-contract conditions include a provision to the effect that the Sub-Contractor may claim against the Employer in the name of the Contractor in respect of a breach of the main contract on the part of the Employer, in consequence of which the Sub-Contractor is in dispute with the Main Contractor. In such a case the parties to the arbitration must be the same as the parties to the main contract and the application of the Sub-Contractor for an appointment must be made by or in the name and with the authority of the Main Contractor. This should be mentioned in the Statement of Particulars.

In a case where a building Sub-Contractor is making an application in the name of the Main Contractor a copy of the Sub-Contractor's notice to the Main Contractor to that effect must be attached together with the Main Contractor's consent or other response.

- (2) Where legal proceedings in the matter have been commenced but stayed or the application otherwise arises pursuant to a Court Order, sufficient indication should be given on the face of the application form to identify the proceedings and relevant Order(s), and, if more space is needed, referring to information endorsed on the back of the application. A copy of the relevant Order(s) should be supplied.
- (3) 'JCT Contract' refers to one of the Forms issued by the Joint Contracts Tribunal Limited which provides for the appointment of an arbitrator by the President, RIBA.