

Dispute Resolution

Court approved Alternative Dispute Resolution Service – Expert Determination

RICS Dispute Resolution Service



Expert Determination Procedure

A service to help resolve disputes concerning land, property and building/construction works when parties, who are involved in litigation, have been directed by the court to attempt settlement through expert determination.

This service is provided by the Royal Institution of Chartered Surveyors (RICS).

Expert determination is a procedure where parties to a dispute appoint an independent, neutral expert to determine issues in dispute. This confidential form of dispute resolution enables parties to agree a timetable with the expert who will be a person with specialist or technical knowledge relevant to the dispute.

Getting the procedure started

1. One or both parties may, following the court's direction, refer their dispute to an expert determiner appointed by RICS.
2. Neither party is obliged to retain a lawyer or a professional advisor, but they may seek independent advice or be represented or assisted in the determination by a lawyer or professional adviser at any stage of the procedure.
3. RICS will contact both the parties within 2 working days and acknowledge receipt of the application form.
4. Within 10 working days RICS will appoint a professionally qualified and impartial expert determiner who will provide a decision.
5. Once appointed, the expert determiner will contact both parties and explain the process and answer any initial questions.
6. The expert determiner will set a timetable for the process and begin the procedure.
7. The expert determiner may request further information from one or both parties, before they make their decision.
8. Any communication made by the expert determiner to one party, such as a request for further information, will be copied to the other party.
9. Any documents or information submitted by either party to the expert determiner will be copied to the other party.

Fees

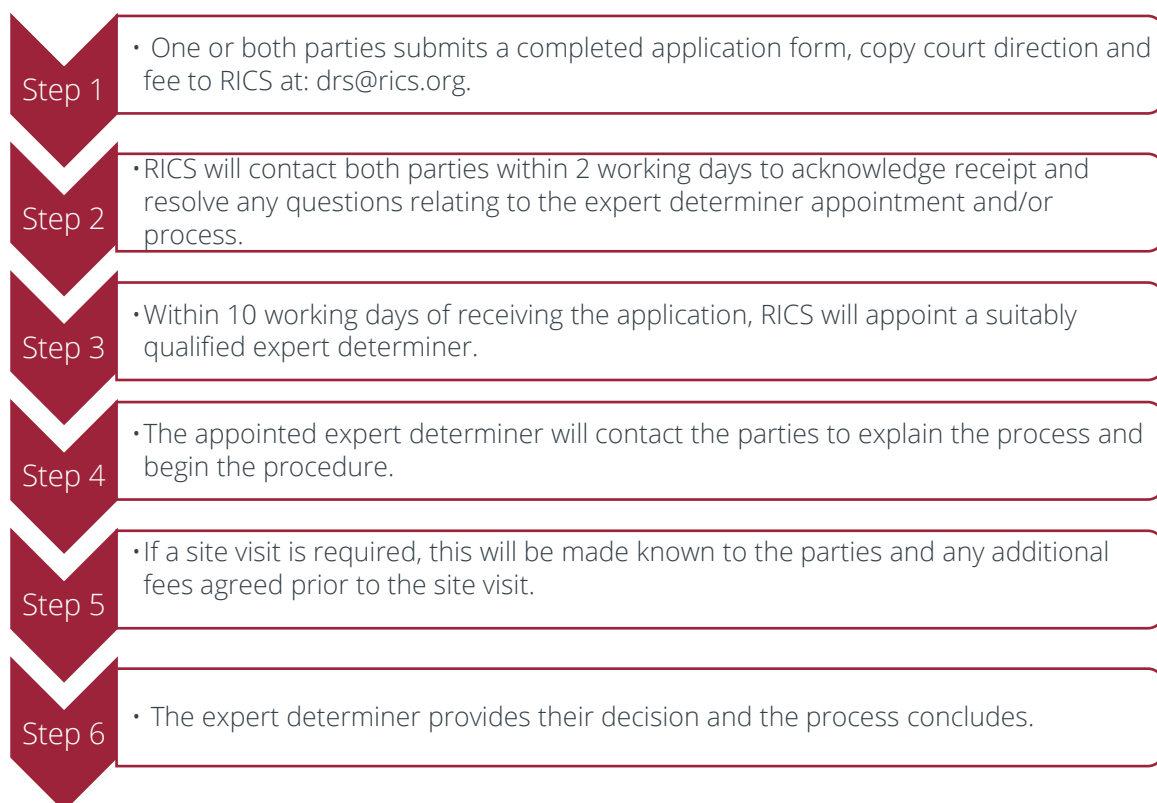
The expert determination fee covers RICS' administrative costs and the professional fee for undertaking the process.

Each party will normally be expected to pay half of the fee.

Amount in dispute	Expert determination fee
£5,000 or less*	£400 (£200 x 2) + VAT
£5,000 - £25,000	£1000 (£500 x 2) + VAT
£25,000 to £100,000	£2,500 (£1,250 x 2) +VAT

If a site visit is required, parties will bear any additional costs such as the expert determiner's reasonable travel costs etc. These costs (or the basis on which they will be calculated if costs are not available) will be made known to the parties and agreed prior to the site visit.

Outline of Process



RICS provides a helpline which is available for any party who is not professionally represented. The telephone number is +44 (0)20 7334 3806 and the caller may be eligible for up to half an hour of free advice from a chartered surveyor.

Contact

RICS Dispute Resolution Services (DRS)

55 Colmore Row

Birmingham

B3 2AA

T +44 (0) 207 334 3806 (DRS helpline)

E drs@rics.org

W www.rics.org/drs