



SCOPE OF SERVICES

Dilapidations Services

England and Wales

May 2022

Dilapidations Services

England and Wales

May 2022



Published by the Royal Institution of Chartered Surveyors (RICS)

Parliament Square

London

SW1P 3AD

www.rics.org

No responsibility for loss or damage caused to any person acting or refraining from action as a result of the material included in this publication can be accepted by the authors or RICS.

© Royal Institution of Chartered Surveyors (RICS) May 2022. Copyright in all or part of this publication rests with RICS. Save where and to the extent expressly permitted within this document, no part of this work may be reproduced or used in any form or by any means including graphic, electronic, or mechanical, including photocopying, recording, taping or web distribution, without the written permission of RICS or in line with the rules of an existing licence.

Contents

Dilapidations Services	1
1 Consultant acting for Landlord, where the Landlord is the Client	1
2 Consultant acting for the Tenant, where the Tenant is the Client	8
3 Bespoke Additional Services	13
Appendix A: Schedule of meetings to be attended by the Consultant	14
Appendix B: Glossary of terms.....	16

Dilapidations Services

For use with the RICS Short Form of Consultant's Appointment for Designated Services

Additional notes

- These Services should be completed by inserting a 'tick' in the box next to the Service to be provided. For further information please refer to the RICS Short Form of Consultant's Appointment for Designated Services explanatory notes.
- All other Services that are not ticked shall be deemed to be Additional Services under the terms of this Appointment.
- Any bespoke Additional Services agreed between the Client and the Consultant should be inserted in Section 3.
- A schedule of 'typical' meetings is included with these Services in Appendix A. Completion of this schedule is also recommended.
- Refer to the current edition of the RICS guidance note *Dilapidations in England and Wales*.

1 Consultant acting for Landlord, where the Landlord is the Client

1.1 Preparation of lease-end Schedule of Dilapidations prior to the end of the lease term

- A: Introduce the Dilapidations Protocol to the Client.
- B: Review all available legal documentation (lease, licences, etc.).
- C: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- D1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2a: Brief each subconsultant in advance of their inspection.

- D3a: Review the subconsultant's draft Schedule of Dilapidations; make comments as appropriate.
- D4a: Incorporate each subconsultant's schedule into the Schedule of Dilapidations.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2b: Brief each specialist in advance of their inspection.
- D3b: Review the specialist's draft Schedule of Dilapidations; make comments as appropriate.
- D4b: Incorporate each specialist's schedule into the Schedule of Dilapidations but note that the Consultant has no responsibility for the content of the specialist's work.
- E: Where opening-up works, testing of installations and/or making good of the premises is anticipated, liaise with the Client

regarding any additional access and consent requirements.

- F: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- G1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- G2: Inspect the premises at the same time as the subconsultants and/or specialists.
- H: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served on the Tenant.
- I: Publish a draft Schedule of Dilapidations for the Client.
- J: Request written confirmation from the Client of their intentions for the premises (if known by the Client at this time).
- K: Apply the Client's intentions (if known by this time) to the scope of the draft Schedule of Dilapidations.
- L: Estimate costs for the works identified in the Schedule of Dilapidations.
- M: Publish the Schedule of Dilapidations to the Client in electronic format.
- N: Provide [3]* number of hard copies of the Schedule of Dilapidations to the Client.
- O: If requested by the Tenant, following confirmation of instructions from the Client, send an electronic version of the Schedule of Dilapidations to the Client's Tenant.
- P: Discuss with the Client whether an offer to settle the dispute with the Tenant as to costs is appropriate.
- Q: Discuss with the Client whether alternative dispute resolution (ADR) should be suggested at this stage to the Tenant.

* Number in brackets is the default unless other number is inserted and initialled by both parties.

1.2 Preparation of lease-end Schedule of Dilapidations after the end of the lease term or updating an existing Schedule of Dilapidations after the end of the lease term

- A: Introduce the Dilapidations Protocol to the Client (if not already introduced).
- B: Review all available legal documentation (lease, licences, etc.).
- C: Review all available technical information surveys, drawings, planning applications, details of Tenant's works, etc.)

Either:

- D1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2a: Brief each subconsultant in advance of their inspection.
- D3a: Review the subconsultant's draft Schedule of Dilapidations; make comments as appropriate.
- D4a: Incorporate each subconsultant's schedule into the Schedule of Dilapidations.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2b: Brief each specialist in advance of their inspection.
- D3b: Review the specialist's draft Schedule of Dilapidations; make comments as appropriate.
- D4b: Incorporate each specialist's schedule into the Schedule of Dilapidations (Note: the Consultant has no responsibility for the

content of the specialist's work).

- E: Request that the Client arranges access to the premises.
- F: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- G1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- G2: Inspect the premises at the same time as the subconsultants and/or specialists.
- H: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served on the Tenant.
- I: Publish a draft Schedule of Dilapidations for the Client.
- J: Request written confirmation from the Client of their intentions for the premises.
- K: Apply the Client's intentions to the scope of the draft Schedule of Dilapidations.
- L: Estimate costs for the works identified in the Schedule of Dilapidations.
- M: Publish the Schedule of Dilapidations to the Client in electronic format.
- N: Provide [3]* hard copies of the Schedule of Dilapidations to the Client.
- O: If requested by the Tenant, following confirmation of instructions from the Client, send an electronic version of the Schedule of Dilapidations to the Client's Tenant.
- P: Discuss with the Client whether an offer to settle the dispute with the Tenant as to costs is appropriate.
- Q: Discuss with the Client whether ADR should be suggested at this stage to the Tenant.

* Number in brackets is the default unless other number is inserted and initialled by both parties.

1.3 Preparation of Quantified Demand

1.3.1 Where the Client proposes to complete (or has completed) the remedial works

- A: Introduce the Dilapidations Protocol to the Client (if not already introduced).
- B: Obtain details from the Client or their other advisers of the proposed works, the anticipated costs, the works completed and costs incurred.
- C: Discuss with the Client or their other advisers whether any loss over and above the cost of the remedial works is likely to be (or has been) suffered as a result of time taken by the Landlord completing the remedial works, or for other reasons ('consequential losses').
- D: Prepare a draft Quantified Demand, incorporating any advice received by the Client's other advisers in relation to consequential losses. The Consultant is not responsible for advice given by third parties.
- E: Discuss the draft Quantified Demand with the Client, make any agreed changes to content, liaise with the Client's other advisers in respect of changes to their content and publish the Quantified Demand in electronic format to the Client.
- F: Facilitate the Client's other advisers' endorsement of their content of the Quantified Demand (Note: this is not a requirement of the Protocol).
- G: Provide [3]* number of hard copies of the Quantified Demand to the Client.
- H: Where requested by the former Tenant and where instructed by the Client, send an electronic version of the Quantified Demand to the Client's former Tenant.
- I: Discuss with the Client whether an offer to

settle is appropriate.

- J: Discuss with the Client whether ADR should be suggested at this stage to the Tenant.

1.3.2 Where the Client does not propose to complete the remedial works

- A: Introduce the Dilapidations Protocol to the Client.
- B: Discuss with the Client or their other advisers how any likely loss is best evidenced.
- C: Prepare a draft Quantified Demand, incorporating any advice received by the Client's other advisers (Note: the Consultant is not responsible for advice given by third parties).
- D: Discuss the draft Quantified Demand with the Client, make any agreed changes to the content, liaise with the Client's other advisers in respect of changes to their content and publish the Quantified Demand in electronic format to the Client.
- E: Endorse the Quantified Demand in relation to our content only (if applicable). (Note: this is not a requirement of the Protocol.)
- F: Facilitate the Client's other advisers' endorsement of their content of the Quantified Demand. (Note: this is not a requirement of the Protocol.)
- G: Provide [3]* hard copies of the Quantified Demand to the Client.
- H: If requested by the former Tenant, following confirmation of instructions from the Client, send an electronic version of the Quantified Demand to the Client's former Tenant.
- I: Discuss with the Client whether an offer to settle is appropriate.
- J: Discuss with the Client whether ADR should be suggested at this stage to the Tenant.

* Number in brackets is the default unless other number is inserted and initialled by both parties.

1.4 Preparation of a Schedule of Dilapidations to support a Repairs Notice during the Tenant's lease term

Note 1: This Service relates to the preparation of a Schedule of Dilapidations to support a Section 146 notice of the *Law of Property Act 1925* or a Repairs Notice.

Note 2: Unless legally qualified, the Consultant will not prepare the Section 146 notice or the Repairs Notice; these should be prepared by the Client's solicitor.

- A: Introduce the Practice Direction Pre-Action Conduct and Protocols to the Client.
- B: Review all available legal documentation (lease, licences, etc.).
- C: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- D1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2a: Brief each subconsultant in advance of their inspection.
- D3a: Review the subconsultant's draft Schedule of Dilapidations; make comments as appropriate.
- D4a: Incorporate each subconsultant's schedule into the Schedule of Dilapidations.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____

- D2b: Brief each specialist in advance of their inspection.
- D3b: Review the specialist's draft Schedule of Dilapidations; make comments as appropriate to Dilapidations but note that the Consultant has no responsibility for the content of the specialist's work.
- E: If opening-up works, testing of installations and/or making good of the premises is anticipated, liaise with you regarding any additional access and consent requirements.
- F: Request that the Landlord arranges access to the premises.
- G: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- H1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- H2: Inspect the premises at the same time as the subconsultants and/or specialists.
- I: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served on the Tenant.
- J: Publish a draft Schedule of Dilapidations to the Client.
- K: Estimate the costs for the works identified in the Schedule of Dilapidations.
- L: Publish the Schedule of Dilapidations to the Client in electronic format.
- M: Provide [3]* hard copies of the Schedule of Dilapidations to the Client.
- N: If requested by the Tenant, following confirmation of instructions from the Client, send an electronic version of the Schedule of Dilapidations to the Client's Tenant.

* Number in brackets is the default unless other number is inserted and initialled by both parties.

1.5 Preparation of a Schedule of Dilapidations relating to a Tenant's break option

- A: Introduce the Practice Direction Pre-Action Conduct and Protocols to the Client.
- B: Review all available legal documentation (lease, licences, etc.).
- C: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- D1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____

- D2a: Brief each subconsultant in advance of their inspection.

- D3a: Review the subconsultants' draft schedules; make comments as appropriate.

- D4a: Incorporate each subconsultant's schedule into the Schedule of Dilapidations.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____

- D2b: Brief each specialist in advance of their inspection.

- D3b: Review the specialist's draft Schedule of Dilapidations; make comments as appropriate.

- D4b: Incorporate each specialist's schedule into the Schedule of Dilapidations but note that the Consultant has no responsibility for the content of the specialist's work.

- E: If opening-up works, testing of installations and/or making good of the premises is

anticipated, liaise with you regarding any additional access and consent requirements. The Client should take legal advice in respect of any such inspections.

- F: Request that the Landlord arranges access to the premises. The Client should take legal advice in respect of any such inspections.
- G: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- H1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- H2: Inspect the premises at the same time as the subconsultants and/or specialists.
- I: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served on the Tenant.
- J: Publish a draft Schedule of Dilapidations to the Client.
- K: Estimate the costs for the works identified in the Schedule of Dilapidations.
- L: Publish the Schedule of Dilapidations to the Client in electronic format.
- M: Provide [3]* hard copies of the Schedule of Dilapidations to the Client.
- N: Following confirmation of instructions from the Client (and the Client should take legal advice in this regard), send an electronic version of the Schedule of Dilapidations to the Client's Tenant (typically on a without prejudice basis).

* Number in brackets is the default unless other number is inserted and initialled by both parties.

1.6 Settlement processes

1.6.1 Negotiation

- A: Introduce the Dilapidations Protocol or

Practice Direction Pre-Action Conduct (as appropriate) to the Client.

- B: Make contact with the Tenant and/or their advisers.
- C: Send a copy of the Schedule of Dilapidations and/or Quantified Demand to the Tenant or the Tenant's surveyor.
- D: Meet the Tenant or their advisers (typically at the premises) to discuss the scope of the liability.
- E: If produced by the Tenant, receive a copy of the Tenant's Response.
- F: Report to the Client on the nature of the Tenant's Response.

Either:

- G1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- G2a: Brief each subconsultant.
- G3a: Review the subconsultant's draft comments; give feedback as appropriate.
- G4a: Incorporate each subconsultant's comments into the Scott Schedule.

Or:

- G1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- G2b: Brief each specialist.
- G3b: Review the specialist's comments; give feedback as appropriate.
- G4b: Incorporate each specialist's comments into the Scott Schedule but note that the Consultant has no responsibility for the content of the specialist's work.

- H: Prepare a draft Scott Schedule incorporating the subconsultants' and/or other advisers' comments (Note: the Consultant is not responsible for the advice received from the Client's other advisers).
- I: Discuss the draft Scott Schedule with the Client.
- J: Discuss with the Client whether an offer to settle is appropriate.
- K: Discuss with the Client whether ADR should be suggested at this stage to the Tenant.
- L: Make any agreed changes to the content, liaise with the Client's other advisers in respect of changes to their content and publish the Scott Schedule in electronic format to the Tenant.

Either:

- Ma: Continue to negotiate with the Tenant or their surveyor until both sides have come to a proposed settlement figure that can be recommended to both parties.

Or:

- Mb: Continue to negotiate with the Tenant or their surveyor until the differences have been narrowed as far as possible.
- N: Report on a monthly basis on the progress of negotiations, whether settlement offers should be made, whether ADR should be considered and/or whether it may be beneficial to contact the Tenant direct.
- O: If a settlement figure is agreed between the parties, liaise with the Consultant or the Consultant's solicitor regarding the heads of the agreement (Note: the Consultant does not draft the agreement).
- P: If the Client or the Tenant issues proceedings, the Appointment to negotiate ends.

1.6.2 Alternative Dispute Resolution processes – Consultant supporting the Client's case

- A: Introduce the Dilapidations Protocol or Practice Direction Pre-Action Conduct (as appropriate) to the Client.

1.6.2.1 Expert Determination/RICS Dilapidations Dispute Resolution Scheme

- A: Liaise with the Client and the Client's other advisers.
- B: Prepare written representations and counter representations as required.

1.6.2.2 Mediation

- A: Liaise with the Client and the Client's other advisers.
- B: Attend the mediation, advising the Client verbally as required throughout the mediation process.

1.6.2.3 Arbitration

- A: Liaise with the Client and the Client's other advisers.
- B: At the direction of the arbitrator, prepare written evidence of fact, as required.
- C: At the direction of the arbitrator, attend any hearing to provide evidence of fact (Note: any appointment as an expert witness would be subject to a separate agreement).

2 Consultant acting for the Tenant, where the Tenant is the Client

2.1 At lease end, preparing the Scott Schedule/Response

- A: Introduce the Dilapidations Protocol to the Client.
- B: Review the Landlord's Schedule of Dilapidations and Quantified Demand.
- C: Review all available legal documentation (lease, licences, etc.).
- D: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- E1a: Appoint as a subconsultant the following specialists:
 - Mechanical and electrical engineer
 - Lift engineer
 - Other _____
- E2a: Brief each subconsultant in advance of their inspection.
- E3a: Review the subconsultant's report; make comments as appropriate.
- E4a: Incorporate each subconsultant's report into the Scott Schedule/Response.

Or:

- E1b: Liaise with the Client's own specialists, as follows:
 - Mechanical and electrical engineer
 - Lift engineer
 - Other _____
- E2b: Brief each specialist in advance of their inspection.
- E3b: Review the specialist's report; make comments as appropriate.
- E4b: Incorporate each specialist's report into

the Scott Schedule/Response but note that the Consultant has no responsibility for the content of the specialist's work.

- F: Request that the Client/the Landlord arrange access to the premises.
- G: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- H1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- H2: Inspect the premises at the same time as the subconsultants and/or specialists.
- I: Meet the Landlord's surveyor on-site to review the Schedule of Dilapidations/Quantified Demand.
- J: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served by the Landlord.
- K: Publish a draft Scott Schedule/Response to the Client.
- L: Consider, by obtaining information from public sources, from the Client and from the Client's other advisers, what is known or anticipated about the Landlord's intentions for the property.
- M: Apply the Landlord's anticipated intentions (if known by this time) to the Scott Schedule/Response.
- N: Estimate the costs for the works identified in the Scott Schedule.
- O: Discuss with the Client or their other advisers how any other limitation on the Landlord's likely loss is best evidenced.
- P: Prepare a draft Scott Schedule/Response, incorporating any advice received by the Client's other advisers (Note: the Consultant is not responsible for advice given by third parties).

- Q: Discuss the draft Scott Schedule/Response with the Client, make any agreed changes to our content, liaise with the Client's other advisers in respect of changes to their content.
- R: Endorse the Scott Schedule/Response in relation to our content only.
- S: Facilitate the Client's other advisers' endorsement of their content of the Scott Schedule/Response.
- T: Publish the Scott Schedule/Response to the Client in electronic format.
- U: Provide [3]* hard copies of the Schedule of Dilapidations to the Client.
- V: Following confirmation of instructions from you, send an electronic version of the Scott Schedule/Response to the Landlord's surveyor.

* Number in brackets is the default unless other number is inserted and initialled by both parties.

2.2 Advising on scope of works required to comply with tenancy obligations

- A: Introduce the Dilapidations Protocol to the Client (if instruction relates to lease-end dilapidations).
- B: Review all available legal documentation (lease, licences, etc.).
- C: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- D1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2a: Brief each subconsultant in advance of their inspection.

- D3a: Review the subconsultant's report; make comments as appropriate.

- D4a: Incorporate each subconsultant's report into the schedule of works.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____

- D2b: Brief each specialist in advance of their inspection.

- D3b: Review the specialist's report; make comments as appropriate.

- D4b: Incorporate each specialist's report into the schedule of works but note that the Consultant has no responsibility for the content of the specialist's work.

- E: Request that the Client arranges access to the premises.

- F: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- G1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- G2: Inspect the premises at the same time as the subconsultants and/or specialists.
- H: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served by the Landlord.
- I: Provide a draft schedule of works to the Client.
- J: Consider, by obtaining information from public sources, from you and from your other advisers, what is known or anticipated about the Landlord's intentions for the property.
- K: Apply the Landlord's anticipated intentions

(if known by this time) to the schedule of works.

- L: Estimate the costs for the works identified in the schedule of works.
- M: Discuss with the Client or their other advisers how any limitation on the Landlord's likely loss is best considered when deciding what, if any, works to procure.
- N: Publish the schedule of works to the Client in electronic format (Note: the schedule of works is not a specification of works and should not be used as such).

2.3 Advising on scope of works required to comply with a break option

Note: The Consultant does not give advice or prepare notices and does not give advice regarding any monies that may be required to be paid to the Landlord.

- A: Liaise throughout with the Client, the Client's other advisers and the Client's solicitors.
- B: Review all available legal documentation (lease, licences, etc.).
- C: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- D1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2a: Brief each subconsultant in advance of their inspection.
- D3a: Review the subconsultant's report; make comments as appropriate.
- D4a: Incorporate each subconsultant's report into the schedule of works.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- D2b: Brief each specialist in advance of their inspection.
- D3b: Review the specialist's report; make comments as appropriate.
- D4b: Incorporate each specialist's report into the schedule of works but note that the Consultant has no responsibility for the content of the specialist's work.
- E: Request that the Client arranges access to the premises.
- F: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- G1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- G2: Inspect the premises at the same time as the subconsultants and/or specialists.
- H: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served by the Landlord.
- I: Provide a draft schedule of works to the Client.
- J: Estimate the costs of the works identified in the schedule of works.
- K: Publish the schedule of works to the Client in electronic format (Note: the schedule of works is not a specification of works and should not be used as such).
- L: Discuss with the Client the proposed procurement method and timescales for the works, and which works are required to be completed in advance of the proposed break date.

- M: Discuss with the Client the date by which any proposed works must be commenced in order to maximise the likelihood that the work will be completed prior to the break date.

2.4 Responding to a Landlord's interim schedule/Repairs Notice during lease term

- A: Review all available legal documentation (lease, licences, etc.).
- B: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- C1a: Appoint as a subconsultant the following specialists:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- C2a: Brief each subconsultant in advance of their inspection.
- C3a: Review the subconsultant's report; make comments as appropriate.
- C4a: Incorporate each subconsultant's report into the Scott Schedule.

Or:

- C1b: Liaise with the Client's own specialists, as follows:
 Mechanical and electrical engineer
 Lift engineer
 Other _____
- C2b: Brief each specialist in advance of their inspection.
- C3b: Review the specialist's report; make comments as appropriate.
- C4b: Incorporate each specialist's report into the Scott Schedule but note that the Consultant has no responsibility for the content of the specialist's work.

- D: Request that the Client arranges access to the premises.
- E: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- F1: Inspect the premises in advance of the subconsultants and/or specialists.

Or:

- F2: Inspect the premises at the same time as the subconsultants and/or specialists.
- G: Liaise with the Client or the Client's solicitor in respect of any notices that have or should be sent or served by the Landlord.
- H: Provide a draft Scott Schedule to the Client.
- I: Estimate the costs of the works identified in the Scott Schedule.
- J: Prepare a draft Scott Schedule, incorporating any advice received by the Client's other advisers (Note: that the Consultant is not responsible for advice given by third parties).
- K: Discuss the draft Scott Schedule with the Client, make any agreed changes to the content, liaise with the Client's other advisers in respect of changes to their content.
- L: Publish the Scott Schedule to the Client in electronic format.
- M: Following confirmation of instructions from the Client, send an electronic version of the Scott Schedule to the Landlord's surveyor.

2.5 Dilapidations claim against a Landlord

- A: Introduce Practice Direction Pre-Action Conduct to the Client.
- B: Review all available legal documentation (lease, licences, etc.).

- C: Review all available technical information (surveys, drawings, planning applications, etc.).

Either:

- D1a: Appoint as a subconsultant the following specialists:
 - Mechanical and electrical engineer
 - Lift engineer
 - Other _____
- D2a: Brief each subconsultant in advance of their inspection.
- D3a: Review the subconsultant's draft Schedule of Dilapidations; make comments as appropriate.
- D4a: Incorporate each subconsultant's schedule into the Schedule of Dilapidations.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 - Mechanical and electrical engineer
 - Lift engineer
 - Other _____
- D2b: Brief each specialist in advance of their inspection.
- D3b: Review the specialist's draft Schedule of Dilapidations; make comments as appropriate.
- D4b: Incorporate each specialist's schedule into the Schedule of Dilapidations but note that the Consultant has no responsibility for the content of the specialist's work.
- E: If opening-up works, testing of installations and/or making good of the property is anticipated, liaise with the Client regarding any additional access and consent requirements.
- F: Request access to the property.
- G: Procure suitable temporary access equipment (such as a cherry picker).

Either:

- H1: Inspect the property in advance of the subconsultants and/or specialists.

Or:

- H2: Inspect the property at the same time as the subconsultants and/or specialists.
- I: Publish a draft Schedule of Dilapidations to the Client.
- J: Estimate the costs of the works identified in the Schedule of Dilapidations.
- K: Publish the Schedule of Dilapidations to the Client in electronic format.
- L: Provide [3]* hard copies of the Schedule of Dilapidations to the Client.
- M: If requested by the Landlord, following confirmation of instructions from the Client, send an electronic version of the Schedule of Dilapidations to the Client's Landlord.

* Number in brackets is the default unless other number is inserted and initialled by both parties.

2.6 Settlement processes

2.6.1 Negotiation

- A: Introduce the Dilapidations Protocol or Practice Direction Pre-Action Conduct and Protocols (as appropriate) to the Client.
- B: Make contact with the Landlord and/or their advisers.
- C: Meet the Landlord or their advisers (typically at the premises) to discuss the scope of the liability.
- D1a: Appoint as a subconsultant the following specialists:
 - Mechanical and electrical engineer
 - Lift engineer
 - Other _____
- D2a: Brief each subconsultant.

- D3a: Review the subconsultant's draft comments; give feedback as appropriate.

Or:

- D1b: Liaise with the Client's own specialists, as follows:
 - Mechanical and electrical engineer
 - Lift engineer
 - Other _____
- D2b: Brief each specialist.
- D3b: Review the specialist's comments; give feedback as appropriate.
- E: Prepare a draft Scott Schedule incorporating the subconsultants' and/or other advisers' comments (Note: the Consultant is not responsible for the advice received from the Client's other advisers).
- F: Discuss the draft Scott Schedule with the Client.
- G: Discuss with the Client whether an offer to settle is appropriate.
- H: Discuss with the Client whether ADR should be suggested at this stage to the Landlord.

Either:

- Ia: Negotiate with the Landlord or their surveyor until both sides have come to a proposed settlement figure that can be recommended to both parties.

Or:

- Ib: Negotiate with the Landlord or their surveyor until the differences have been narrowed as far as possible.
- J: Report to the Client on a monthly basis the progress of negotiations, whether settlement offers should be made, whether ADR should be considered and/or whether it may be beneficial for the Client to contact the Landlord direct.
- K: If a settlement figure is agreed between

the parties, liaise with the Client or the Client's legal advisers regarding the heads of the settlement agreement (Note: the Consultant does not draft the settlement agreement).

Note: Where the Client or the Landlord issues proceedings then this Appointment to negotiate ends.

2.6.2 Alternative Dispute Resolution processes – Consultant supporting the Client's case

- A: Introduce the Dilapidations Protocol or Practice Direction Pre-Action Conduct and Protocols (as appropriate) to the Client.

2.6.2.1 Expert Determination/RICS Dilapidations Dispute Resolution Scheme

- A: Liaise with the Client and the Client's other advisers.
- B: Prepare written representations and counter representations as required.

2.6.2.2 Mediation

- A: Liaise with the Client and the Client's other advisers.
- B: Attend the mediation, advising the Client as required throughout the mediation process.

2.6.2.3 Arbitration

- A: Liaise with the Client and the Client's other advisers.
- B: Prepare written evidence of fact, as required.
- C: Attend any hearing to provide evidence of fact.

Note: Any appointment as an expert witness would be subject to a separate agreement.

3 Bespoke Additional Services

- 3.1 Enter or attach bespoke Additional Services agreed with the Client.

Appendix A: Schedule of meetings to be attended by the Consultant

1 Client meetings

Attendance: Partner Director Associate Project surveyor
 Other (please specify) _____

Frequency: Daily Weekly Monthly Quarterly
 No attendance required Other

Please specify requirements: _____

2 Design team meetings

Attendance: Partner Director Associate Project surveyor
 Other (please specify) _____

Frequency: Daily Weekly Monthly Quarterly
 No attendance required Other

Please specify requirements: _____

3 Project team meetings

Attendance: Partner Director Associate Project surveyor
 Other (please specify) _____

Frequency: Daily Weekly Monthly Quarterly
 No attendance required Other

Please specify requirements: _____

4 Site meetings

Attendance: Partner Director Associate Project surveyor
 Other (please specify) _____

Frequency: Daily Weekly Monthly Quarterly
 No attendance required Other

Please specify requirements: _____

5 (Other) meetings

Attendance: Partner Director Associate Project surveyor
 Other (please specify) _____

Frequency: Daily Weekly Monthly Quarterly
 No attendance required Other

Please specify requirements: _____

Appendix B: Glossary of terms

Client Group Company	Any subsidiary of the Client or any holding company of the Client or any other subsidiaries of any such holding company (other than the Client) within the meaning of section 1159 of the <i>Companies Act 2006</i> .
Dilapidations	Breaches of lease covenants that relate to the condition of a property during the term of the tenancy or when the lease ends.
Landlord	A person or organisation that owns a property or an area of land and leases that property or area of land to another in exchange for rent or another benefit.
Practice Direction and Pre-Action Protocols	Court mandated pre-action procedures that are to be followed by both parties with a view to settling a case without needing to bring a claim.
Quantified Demand	A document setting out further details of the allegations. It is prepared by, or on behalf of, the Landlord and is issued after the end of the lease. It will include details of what the Landlord considers to be its likely loss as a consequence of the alleged breaches.
Repairs notice	A record of items of disrepair that have occurred during a tenancy provided to a Tenant or a Landlord.
Response	The reply from the Tenant (or their surveyor) to the Quantified Demand and/or the Schedule of Dilapidations. This is usually a letter/email and a Scott Schedule.
Schedule of Dilapidations	The document prepared by the Landlord (or their surveyor) listing outstanding reinstatement, repair, legal compliance and decoration items to the property, suggesting remedial works and, in some cases, estimating the cost of the remedial works.
Scott Schedule	A document to be prepared to the Court listing the outstanding issues of a case. In respect of Dilapidations, a Scott Schedule is an extended version of the Schedule of Dilapidations that enables the Tenant (or their surveyor) to respond to the content of the Quantified Demand and/or the Schedule of Dilapidations.
Tenant	A person first having or requiring from the Client or a Client Group Company a leasehold interest in the Project or any part of it.

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

Americas, Europe, Middle East & Africa
aemea@rics.org

Asia Pacific
apac@rics.org

United Kingdom & Ireland
contactrics@rics.org



rics.org