

# Dispute Boards and UK Adjudication & &

Chartered Institute of Arbitrators : East Anglia Branch  
Annual Summer Seminar : Dispute Avoidance  
Dispute Boards and Dispute Avoidance  
10 June 2011

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## Introduction to Dispute Boards



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## What is a Dispute Board?

- Description
- Standing/Ad Hoc Dispute Boards
- Dispute Review Board/Dispute Adjudication Board
- Purpose
- Brief History

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## Composition and Appointment of a Dispute Board

- Requirement of independence
- Number of members
- Specific projects
- Procedure for appointment
- The lawyer's role

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## Dispute Review Board or Dispute Adjudication Board?

- Differences
- Dispute Board Rules
- Advantages/disadvantages of a DRB
- Advantages/disadvantages of a DAB
- A hybrid – CDB?

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## Operation of a Standing Dispute Board

- Regular site visits
- Procedure during site visits
- Post-visit report by the Dispute Board
- Receiving regular reports

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## Avoidance of Disputes

The FIDIC Gold Book  
The other FIDIC contracts  
Informal opinions

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## Procedure in Determining Disputes – FIDIC Suite

Timescale for Decision  
General procedure  
Challenging the Decision

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## Procedure in Determining Disputes – ICC Dispute Board Rules

Submissions by the parties  
Hearing  
Timescale for Decision  
Challenging the Recommendation/Decision

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## The Future of Dispute Boards

A success story, despite ...  
Frequent deletion of or disregard for the Dispute Board clauses

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## Incorporating Dispute Boards into UK Construction Contracts



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Dispute Boards and UK Adjudication page 11

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## ICE Dispute Resolution Board Procedure

Introduction  
HGCRA Compliant  
HGCRA Non-Compliant  
Challenging the Decision

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## Amending Adjudication Provisions in Other Contracts

JCT/The Scheme  
NEC

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Dispute Boards and UK Adjudication page 13

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Thank you & &

John Wright  
020 7415 6637  
john.wright@twobirds.com

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