

# Disputes Resolution Committee Terms of Reference

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## Delegated Authority

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| By-Law 91<br>Regs 5,6,7 | The Board may delegate any of its powers (other than the power to borrow money) to standing or special committees of the Board consisting of members (Voting or Non-Voting) provided that the chairman of such a committee is a Voting member. |
| By- Law 105             | Board of Trustees > Learned Society Committee > Disputes Resolution Committee  |

## Purpose

To provide IChemE's dispute resolution service by drafting and preparing for publication the various Dispute Resolution Rules (the 'Rules') published by IChemE; maintaining the IChemE lists of appropriately qualified dispute resolvers (the 'Lists') and nominating dispute resolvers when IChemE is asked to do so.

## RASCI Matrix

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|---------------------|--|
| <u>R</u> esponsible | The Chair and Members of the Disputes Resolution Committee (DRC) are responsible for the delivery of the DRC's duties  |
| <u>A</u> ccountable | The DRC is accountable to the Learned Society Committee (LSC)  |
| <u>S</u> upport     | The DRC is supported <a href="#">by staff drawn from the Learned Society Directorate</a>   |
| <u>C</u> onsult     | In the course of carrying out its duties, the DRC will consult, as appropriate <ul style="list-style-type: none"> <li>• the Learned Society Subject Area Lead – Resources and Manufacturing</li> <li>• Contracts Committee</li> <li>• Members of IChemE Dispute Resolver Lists</li> <li>• Legal Counsel</li> </ul> |
| <u>I</u> nformed    | The DRC will inform, as appropriate:   |

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|  | <ul style="list-style-type: none"><li>• Users of IChemE Forms of Contract</li><li>• IChemE Commercial team</li><li>• IChemE marketing and comms teams</li><li>• IChemE SMT team</li><li>• Suppliers – typesetters, printers</li></ul> <p>The LSC will inform the DRC of its activities through the publication of its minutes on the IChemE website, and through the SAL Resources and Manufacturing.</p> |
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## Duties

The Committee is responsible to the LSC for:

- Providing advice to the LSC, the Board of Trustees and the Chief Executive of IChemE ('CEO') on matters of dispute resolution, including the dispute resolution service
- Liaising with the Contracts Committee and other dispute resolution bodies (such as CIArb) as appropriate, and representing IChemE on such matters as may be appropriate from time to time.
- Drafting the Rules which shall be primarily intended for use in governing the resolution of disputes which may arise under a contract based on any of the Forms of Contract published by IChemE. The choice, content, layout, style and frequency of revision of the Rules shall be such as the Committee shall in its professional judgement determine from time to time to be appropriate in all the circumstances taking into consideration the advice set out in Counsel's legal review (for which the appointment of Counsel by IChemE shall be on the recommendation of the Committee).
- The Committee shall make recommendations for the appointment by IChemE of appropriate persons to the Lists as the Committee considers appropriate having regard to the various dispute resolution mechanisms set out in the IChemE Forms of Contract.
- The Committee shall ensure that the Lists are kept up to date, appointing new persons to one or more Lists as appropriate. In all cases the Committee shall ensure that persons appointed to one or more of the Lists have the required knowledge, skills and experience to discharge their duties as dispute resolvers. The Committee through the Lists or through the establishment of formal links with other appropriate appointing bodies should recognise the international use of the IChemE's Forms of Contract and IChemE's membership structure so as to allow for the benefit of local expertise for disputes arising outside the UK. In respect of any appointment to a List not proposed by the Committee, the LSC shall seek the agreement of the Committee to such an appointment, which agreement shall not be unreasonably withheld.
- Following receipt by staff of a request from a party or its representative for the nomination or appointment by IChemE from its Lists, the Committee shall, according to the procedures set out in Annex 1 hereof, identify and recommend to IChemE an appropriate person or persons.

Job descriptors for volunteer roles referred to in these ToR can be found here [\[TBC\]](#)

## Membership

The Committee shall normally consist of six people, plus the Chair of the Contracts Committee.

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Committee members shall be members for their personal expertise and not to represent any particular company or sector of industry. They are not required to be Members of IChemE.

The Committee members shall be appointed by the LSC on the recommendation of the Chair for an initial term of three years, which may be extended. The Chair shall consult the Committee on any proposed appointment and make their recommendation to the LSC accordingly. In respect of any appointment to the Committee not proposed by the Chair, IChemE shall seek the agreement of the Chair, of which agreement shall not be unreasonably withheld.

### Meetings

The Committee shall either virtually or physically meet as required from time to time, but in any event at least once per year. As appropriate, and as agreed with the Chair, other members of the IChemE staff in addition to the secretary may attend meetings of the Committee from time to time.

### Autonomy

The committee can call staff members or other parties into meetings to obtain information.