

## Arbitration

### Introduction

Arbitration, which has been used for centuries, is a process whereby the parties agree to refer disputes between them for resolution to an independent third party known as the Arbitrator. The agreement to do so normally forms part of the original contract between the parties but it is also possible to refer disputes to Arbitration after the differences have arisen between the parties. Any such Arbitration Agreement normally provides for the choice of Arbitrator to be made by the parties but, where they cannot do so, either party may ask an independent body, such as Engineers Ireland, to appoint the Arbitrator.

Arbitration is a confidential process and gives the parties a significant degree of flexibility as regards the choice of Arbitrator and procedure. Its great advantage is that it leads to a final and binding resolution of the dispute by means of an Award.

### Engineers Ireland Procedures

Arbitration is carried out within a legislative framework with the current Irish Act being the Arbitration Act 2010 which replaced the Arbitration Acts 1954-1998. Engineers Ireland published an Arbitration Procedure in 1987, for use with the 1954 Act, and this was subsequently updated as the Arbitration Procedure 2000. Engineers Ireland has launched two new arbitration procedures and both were specifically written for use with the 2010 Act. These comprise Arbitration Procedure 2011, which is intended as a replacement document for the 2000 procedure, and also 100 Day Arbitration Procedure, intended as a fast-track procedure.

### Decisions

An Arbitrator's Award has the same status as a Judgment or Order of the High Court and it is enforceable as such. It is not possible to appeal an Arbitrator's Award and there are very limited grounds for challenge under Article 34 of the UNCITRAL Model Law adopted in the Arbitration Act 2010.

### Panels/Appointments

Engineers Ireland maintains a Panel of Arbitrators whose details are available on this website. If the parties to a dispute are unable to agree on an Arbitrator the President of Engineers Ireland will appoint a suitable Arbitrator, normally from this Panel, on receipt of a suitable application. The Application Form and other useful documents in relation to Arbitration are available to be downloaded under the heading Associated Documents on this website.