
Expert Determination

Introduction

Expert Determination is a Dispute Resolution process where matters in dispute are referred for decision to an independent neutral, the Expert. It is based on contract rather than statute and the Expert is normally chosen on the basis of expertise in the area of the dispute.

Expert Determination is potentially the cheapest and quickest form of Dispute Resolution particularly in technically complex areas. Consequently there is increasing interest in this Dispute Resolution method in high-tech areas or industries such as IT, pharmaceuticals, chemicals etc.

Engineers Ireland Procedures

Engineers Ireland has not published an Expert Determination Procedure

Decisions

The Expert's decision is normally final and binding unless indicated to the contrary in the contract. In that context it is somewhat similar to Arbitration or indeed litigation but the fundamental difference is that the Expert normally has much more procedural scope than an Arbitrator or a Judge. The Expert is not normally bound by all the rules of Natural Justice and is frequently encouraged to rely on his own knowledge or investigations without reference to the parties.

Panels / Appointments

Engineers Ireland does not maintain a Panel of Experts. However, the President of Engineers Ireland is prepared to nominate or appoint suitable persons, as Expert, if requested to do so, from the membership of the Institution which covers all of the engineering disciplines.