

BRITISH MARINE (BM) DISPUTE RESOLUTION SCHEME

GUIDANCE NOTES FOR PARTIES

1. Outline of Scheme

The object of the scheme is to provide an efficient and inexpensive user friendly means of resolving disputes either between BM members or between BM Members and their customers or suppliers. This scheme is in addition to the BM Standard Complaints Procedure that members are bound by.

Note - this Dispute Resolution Service is not part of British Marine's complaint procedure.

The scheme is administered on behalf of the BM by The ADR Centre (ADRC), who also appoint the mediator. The preferred form of dispute resolution will be mediation, and dispute resolvers will normally be selected from The Academy of Experts' QDR Register.

The scheme is a fixed price scheme. The standard mediation is set at three hours. Extra time, or additional sessions, can if necessary be arranged for a further fee, but three hours is ample time for the majority of disputes. All fees payable under this scheme are non-refundable, whether or not the mediation takes place.

In order to minimise cost and disruption for everyone, the mediation will normally be arranged at a mutually agreed venue. In the event that this does not prove possible, ADRC reserves the right to select the location for the mediation.

2. How the scheme operates

2.1 Once you have decided to use mediation, all parties should complete the "Request for Mediation" form which will be sent to them, and return it together with payment of the initial fee of £475.00 per party to ADRC.

With the Request for Mediation you will be asked for a brief description of the dispute. If at all possible this should be agreed by all the parties. If you wish to enclose any additional papers in the dispute which you consider will assist the mediator, or explain the dispute, then please do so. But please keep these to a minimum - the mediator only needs an outline of the problem at this stage, and copying large numbers of documents creates expense.

It is essential that ADRC receive a completed "Request for Mediation" and payment of the mediation fee from both parties before any further processing of the mediation can take place.

2.2 ADRC will appoint a mediator practising in the area in which the mediation is to take place and will write to both parties with details of the appointment.

- 2.3 The mediator will then contact the parties to arrange a date, time and address at which the mediation will take place. Once these are agreed the mediator will confirm them in writing to you and to ADRC.

3. What to expect at the Mediation

- 3.1 At the commencement of the Mediation, the mediator will make any necessary introductions, and confirm that the parties present (or their representatives) have proper authority to settle the dispute. **Unless there is someone from each party with authority to settle the dispute the mediation cannot proceed.** If you wish you are perfectly free to take a friend, legal adviser or colleague to support or assist you during the mediation, but it must be clear who has the actual authority to settle the matter.
- 3.2 The parties will then be asked to sign a formal "Agreement to Mediate" in the presence of the mediator. The mediation will then begin. (A copy of a blank agreement is enclosed for your information. You do not need to sign it at this stage.)
- 3.3 The mediator will make an opening statement explaining the process and procedures for the day, and then invite each party to make a brief statement of the problem as he views it.
- 3.4 Thereafter the mediator will talk to each party separately, and in private, eliciting facts and needs, and endeavouring to steer the parties to a mutually acceptable solution.

Mediation is confidential and private, and anything you say to the Mediator in these closed sessions (called "Caucuses") will not be disclosed to the other party(ies) without your express permission.

- 3.5 When the mediator judges the mediation to be complete - because a settlement has been reached, or because the allotted time has expired (Standard mediation is 3½ hrs), or because he considers no settlement possible, he will convene a full meeting of all parties.

At this stage, if settlement has been reached the mediator will record the terms of agreement in writing and ask everyone to sign it. If the parties have failed to settle, he will record that result.

- 3.6 If you consider that a short additional time above and beyond the standard mediation time will resolve the issue, and everyone is able to continue, then you may request the mediator to continue for an agreed additional time. **The fee for this is £135.00 per party per hour or part thereof and must be paid to the mediator before the mediation can continue.** Please therefore remember to bring your cheque book or credit card details with you.

3.7 If, alternatively, everyone agrees that a additional full session would be beneficial, then the mediation will be adjourned and the mediator will arrange a new time, date and venue with everyone. ADRC will invoice the parties for the fee for this session. The fixed non-refundable fee for any additional session is £475.00 per party.

4. Further Information

For further information on what mediation is and how it works, or on what to expect on the day, please ring the ADRC helpline on 020 7430 0333, and we will be happy to help.