

Q-Construct – Adjudication in Qatar

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The value of projects planned or underway in Qatar as at 2013 is estimated at US\$220 billion.

The Qatar International Court and Dispute Resolution Centre (QICDRC) has put forward proposals for an adjudication procedure to be put in place to deal with any disputes arising out of the construction projects *"in a manner that is fair, quick, inexpensive and accessible"*.

Key Features of Q-Construct

Key Features of the scheme include:

- Disputes dealt with by either a sole adjudicator or a panel of 3 adjudicators.
- Strict timetable for submission of documents and issue of a decision.
- Adjudicator's decision is binding on an interim basis and enforceable through the Qatar International Court (QIC) with cases being heard by a designated, specialist construction judge. The QIC is a national court of Qatar which is a signatory to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958.
- Very limited scope for appeals against adjudicator's decisions (serious irregularity or breach of the law).

The rules require documents to be submitted electronically and hearings to be conducted by video or telephone conference or in person.

Q-Construct Adjudication Procedure

Draft Adjudication Rules have been prepared. These provide for an adjudication to be commenced by issuing a notice to the QICDRC by way of an online form, copied to the other party to the dispute, containing specified information (such as details of parties, summary of issues, details of the contract and dispute and supporting documents and redress sought). The amount of supporting documentation is limited to two lever arch files plus the contract.

The responding party then has 15 days to submit a Response with supporting documents, also amounting to no more than 2 lever arch files.

The referring party can apply to the adjudicator within 5 days for permission to submit a Reply, giving details of what aspects of the Response they wish to address. If the adjudicator gives permission for submission of a Reply, they set a time limit for this and give directions as to whether the responding party will be allowed to make a further Response. The Reply and any further Response are limited to a maximum of 1 lever arch file

of material.

The adjudicator can request any further information he considers necessary from the parties although only in exceptional circumstances will this be requested more than 10 days after the time limit for receipt of a Reply.

It is envisaged that most adjudications will be decided without a hearing but there is provision for a hearing if this is considered necessary.

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The decision is to be reached and delivered within 60 days. If the adjudicator fails to achieve this, they are deemed to have forfeited their right to payment. An extension can be granted if all parties agree or, in exceptional circumstances, by QICDRC.

The decision is to be implemented within 10 days, or the time specified in the decision. Summary enforcement is possible through the QIC after the expiry of this period.

If a party is not satisfied with the decision, the dispute can be referred to arbitration or court but if this is not done within 10 days after the decision then the adjudication decision becomes final.

Comment

The adjudication scheme described above has not yet been implemented but if it is and if the UK experience of adjudication is mirrored in Qatar, this could result in a sea change in construction dispute resolution in terms of the speed and cost with which decisions will be able to be obtained.

The main challenges for parties will be to clearly focus their disputes within strict timetables and to narrow down supporting material only to the absolute essentials to bring it within the 2 lever arch file maximum limit.

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Scottish Arbitration Centre Update Part 2

Andrew Mackenzie: CEO SAC

I recently had the opportunity of promoting Scottish arbitration and Scotland as a seat of arbitration at the Commonwealth Games Business Conference in Glasgow. The conference heard from the First Minister of Scotland, the Prime Minister of the United Kingdom, the Governor of the Bank of England and various senior business leaders from across the world. I met with businessmen and women from across the Commonwealth, as Glasgow and Scotland welcomes them and their athletes to its very own Friendly Games. Glasgow 2014 and the Commonwealth Law Conference 2015 (Glasgow) are two excellent opportunities for Scotland to showcase its expertise in various sectors, including dispute resolution and legal services.



Over the last few months we have also met with organisations from the private and public sector in Scotland and London to promote the use of arbitration. We are also discussing with the Scottish Government the prospect of the Centre providing administrative services to statutory dispute schemes. We attended the International Arbitration Ball in London, and were guests of Thomson Reuters at the publisher's recent retreat in Gibraltar. Both events allowed us to take our message to international practitioners from around the world.