

Template of the Notice of Intention to nominate as an Adjudicator

Case number: _____

Adjudicator rank required for the case:

☐ Adjudicator ☐ Senior Adjudicator

To: [*Candidates*]

With reference to the attached Claimant's **Adjudication Notice** dated [*dd-mm-yyyy*], we consider that the above-referenced case should be undertaken by an adjudicator of **Adjudicator/Senior Adjudicator* rank (**delete as appropriate*) and the relevant fee structure applies.

We intend to nominate you as the Adjudicator for the above-referenced case, to the parties for consideration. Please sign and return the attached **Form B – Potential Adjudicator's Declaration of Acceptance** and your **updated CV** by [*dd-mm-yyyy*].

(Signed)

(Date)

Name:

Position in [*ANB*]:

Template of the letter to the parties inviting reply on ANB's Nomination

Case number: _____

Adjudicator rank required for the case:

☐ Adjudicator ☐ Senior Adjudicator

To: [*The Claimant and The Respondent*]

We consider that the above-referenced case should be undertaken by an adjudicator of **Adjudicator/Senior Adjudicator* rank (**delete as appropriate*) and the relevant fee structure applies.

We nominate [*Candidate A, Candidate B and Candidate C*] for your consideration. Their CVs are enclosed. Please carefully read the notes below and return the attached reply form by [*dd-mm-yyyy*].

Upon consideration of the reply from both the Claimant and the Respondent regarding any conflict of interest on all [*three*] candidates, [*ANB*] will take such action as it deems appropriate to directly appoint an Adjudicator and inform both of you via a **Notice of Appointment of Adjudicator**.

(Signed)

(Date)

Name:

Position in [*ANB*]:

Notes:

1. You are requested to make reference to the Unified Guidelines on Conflict of Interest in Adjudication issued by DEVB and (i) raise any concerns on conflicts of interest and on justifiable doubts as to the candidate's independence or impartiality (with reasons) in respect of the candidates, and (ii) provide your order of preference amongst all candidates (even if you consider that the candidates have conflicts of interest).
2. If the claimant or the respondent does not indicate its concerns on conflicts of interest and on justifiable doubts as to the candidate's independence or impartiality, the relevant party will be regarded as having no concerns on conflicts of interest and/or justifiable doubts as to that candidate's independence or impartiality before appointment.
3. ANB will consider the validity of the parties' concerns on conflicts of interest and on justifiable doubts as to the candidate's independence or impartiality (if raised). If considered valid, the relevant candidate(s) will be excluded from the appointment.
4. ANB will consider the indicated preferences of both the Claimant and the Respondent (if any), the candidate's hourly rate, experience, availability and other relevant factors in making the nomination.

Reply Form on Parties' Concerns on Conflicts of Interest and Order of Preference

Case number: _____

Adjudicator rank required for the case:

☐ Adjudicator ☐ Senior Adjudicator

To: [ANB]

With reference to your nomination of candidates as adjudicator for the above-referenced case, please note my reply on (i) concerns on conflicts of interest and on justifiable doubts as to the candidate's independence or impartiality with reference to the *Guideline on Conflicts of Interest in Adjudication under SOPL* and (ii) order of preference.

I/We understand that, upon your consideration of the reply from both the Claimant and the Respondent, if you consider there are valid grounds supporting that there is a conflict of interest or justifiable doubts as to the candidate's independence or impartiality on all [three] candidates, you may take such action as you deem appropriate to directly appoint another candidate as the adjudicator.

Name of Candidates	Parties' Concerns on Conflicts of Interest and on justifiable doubts as to the candidate's independence or impartiality:
[Candidate A]	
[Candidate B]	
[Candidate C]	

Name of Candidates	Hourly Rate: [Filled by ANB before sent to parties]	Order of Preference (1, 2, 3) ['1' represents highest priority; '3' represents lowest priority.]
[Candidate A]		
[Candidate B]		
[Candidate C]		

(Signed)

(Date)

Name:

(Representative of *Claimant/ Respondent*)

Template of the Notice of Appointment of Adjudicator

Case number: _____

Adjudicator rank required for the case:

☐ Adjudicator ☐ Senior Adjudicator

To: [*The Claimant and The Respondent*]

I refer to the Claimant's **Adjudication Notice** received on [*dd-mm-yyyy*] and the **Reply Form on Parties' Concerns on Conflicts of Interest and Order of Preference** received on [*dd-mm-yyyy*] in respect of the above-referenced case.

In accordance with the Construction Industry Security of Payment Ordinance (Cap. 652) and the "[*ANB*] Adjudication Rules", we write to inform you that:-

☐ we hereby appoint [*Parties' Selected Candidate*] from the [*ANB*]'s Panel of Adjudicators, as the adjudicator for the above-referenced case. *His/Her (*delete as appropriate) **acceptance to be nominated and appointed as the Adjudicator** is attached herewith for your reference.

☐ having considered that there are grounds supporting that there is a conflict of interest or justifiable doubts as to the candidate's independence or impartiality on all [*three*] candidates, we hereby appoint [*another candidate selected by ANB*] from the ANB's Panel of Adjudicators, as the Adjudicator for the above-referenced case. *His/Her (*delete as appropriate) **acceptance to be nominated and appointed as the Adjudicator** is attached herewith for your reference.

You are reminded of the following timeline as stipulated in the Construction Industry Security of Payment Ordinance (Cap. 652),

- **Adjudication Submission** should be submitted to the Adjudicator by the Claimant within 1 working day after the date on which the Claimant is informed of the appointment of the Adjudicator;
- **Adjudication Response** should be submitted to the Adjudicator by the Respondent within 20 working days after the date on which the adjudication submission is served on the Respondent, subject to a longer period that the Adjudicator may specify;
- **Reply to Adjudication Response** should be submitted to the Adjudicator by the Claimant within 2 working days after the date on which the Adjudication Response is served on the Claimant, subject to a longer period that the Adjudicator may specify;

- The **Adjudicator's determination** should be served on [ANB] by [dd-mm-yyyy] (within 55 working days after the date on which the Adjudicator is appointed), subject to a longer period agreed by the Claimant and the Respondent. After the fees and expenses of the Adjudicator payable by the parties have been paid, [ANB] will serve the determination on the Claimant and the Respondent as soon as reasonably practicable.

(Signed)

(Date)

Name:

Position in [ANB]:

c.c. [the Adjudicator]