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|  **Construction Contracts Act, 2013 Form No. 5**Application to the Chairperson of the Construction Contracts Adjudication Panelfor the appointment of an Adjudicator from the Panel to a payment dispute in relation to a construction contract entered into after the 25th July 2016**- pursuant to section 6(4) of the Construction Contracts Act, 2013** |
| The Applicant is required to send a copy of this form and the accompanying documentation to the Respondent Party/Parties at the time the application is submitted to the Chairperson Please ensure all parts of the form are completed in **FULL**, and in **Block Capitals** if handwritten(see Note 1) |
| **PART A: Applicant Party details - must be a party to the construction contract** |  |
| **Name of Person /Company/Public Body:** |  |
| **Trading Name (if different):** |  |
| **Address (registered address for a Company):** |  |
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|  |  |  |
| **City / Town:** |  | **County:** |  |
|  |  |  |  |
| **Country:** |  | **Eircode / Postcode:** |  |  |  |  |  |  |  |
| **Telephone:** |  | **Mobile:** |  |
| **Email:**  |  | **Fax (0ptional):** |  |
| **Applicant status** (e.g. Employer (Government Agency), Employer (Other), Main Contractor, Subcontractor, Architect, |
| Engineer, Surveyor, Project Manager, Consultant (please specify type of consultancy)): |  |
| **Applicant Business Type** (e.g. electrician, plumber): |  |
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| **Respondent Party details[[1]](#footnote-1) *-* must be a party to the construction contract** |
| **Name of Person /Company/Public Body:** |  |
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| **Trading Name (if different):** |  |
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| **Address** (**registered address for a Company**)**:** |  |
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| **City / Town:** |  | **County:** |  |
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| **Country:** |  | **Eircode / Postcode:** |  |  |  |  |  |  |  |
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| **Telephone:** |  | **Mobile:** |  |
| **Email:**  |  | **Fax (Optional):** |  |
| **Respondent Party status** (e.g. Employer (Government Agency), Employer (Other), Main Contractor, Subcontractor, Architect, |
| Engineer, Surveyor, Project Manager, Consultant (please specify type of consultancy)): |  |
| **Senior Contact Person (if known):** |  |
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| **PART B: Contact details for Applicant** |
| Provide the name and contact details of a person, who is authorised by the applicant, to receive correspondence from the Construction Contracts Adjudication Service of the Department of Enterprise, Trade and Employment in relation to this application. |
| **Name:** |  |
| **Business Name (if applicable):** |  |
| **Capacity:**  |  |
| **Address:** |  |
|  |  |
|  |  |  |
| **City / Town:** |  | **County:** |  |
|  |  |  |  |
| **Country:** |  | **Eircode / Postcode:** |  |  |  |  |  |  |  |
| **Telephone:** |  | **Mobile:** |  |
| **Email:**  |  | **Fax (Optional):** |  |
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| **PART C: Payment dispute details** |
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| Does the payment dispute which is the subject of this application arise under a construction contract as defined in the Construction Contracts Act, 2013? [[2]](#footnote-2) | **Yes**  |

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 |  **No** |

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| Contract Title/Description (whether oral or written):  |  |

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| **State the amount in dispute (even if the amount is zero):**  | **€** |
| **Site Address:** |  |
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| City / Town: |  | **County:** |  |
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|  |  | **Eircode / Postcode:** |  |  |  |  |  |  |  |
| **Describe the payment dispute from the following options:** |
|  | Failure to make an interim payment |

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|  | Failure to make a final payment |

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|  | Other payment dispute (please specify)  |  |
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 Continue on separate sheet if needed

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| **Project or Job:** |  |

Provide a brief outline of the payment dispute: |
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Continue on separate sheet if needed

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| **PART D: Details concerning *Notice of Intention to refer Payment Dispute for Adjudication*** |
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| **On what date was the Notice of Intention to refer Payment Dispute for Adjudication served on the Responding Party?** |  |  |  | **/** |  |  | **/** |  |  |  |  |  |
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| **By what means** **was this done -by post/by email/other means?** |  |

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| **PART E: Declaration and Signature** |
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| I confirm that, in accordance with Section 6(4) of the Construction Contracts Act, 2013, the parties to the construction contract have failed to agree to appoint an Adjudicator of their own choice or from the Ministerial appointed Panel of Adjudicators. I therefore request the Chairperson of the Construction Contracts Adjudication Panel to appoint an Adjudicator from the Ministerial appointed Panel of Adjudicators to this payment dispute (see Note 2).  |
|  |
| **Signature:** |  | **Date:** |  |  | **/** |  |  | **/** |  |  |  |  |  |
| **Print Name:** |  |  |
| **Capacity/Position:** |  |

**RETAIN A COPY** **of this completed form and the accompanying documentation** for your records.

**The following documentation MUST be attached to this form:**

1. a copy of the *Notice of Intention to refer Payment Dispute for Adjudication* and a copy of any accompanying documentation to that Notice;
2. a copy of the written contract or, if the contract is an oral contract, other material evidencing the contract (if such exists); and
3. any supporting information that may assist an Adjudicator in understanding the nature of the payment dispute.

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| Post application form and **all accompanying documentation** addressed to:The Chairperson, Construction Contracts Adjudication Panel,Department of Enterprise, Trade and Employment, Earlsfort Centre,Lower Hatch Street, Dublin 2. Eircode D02 PW01**Notes****Note 1**An applicant may only use this form if the payment dispute arises under a construction contract as defined in the [Construction Contracts Act 2013](http://www.irishstatutebook.ie/eli/2013/act/34/enacted/en/html). The definition of a **construction contract** is set out in section 1 of the Act and section 2 lists exceptions which are not a construction contract for the purposes of the Act. The Chairperson of the Construction Contracts Adjudication Panel may appoint an Adjudicator from the Ministerial appointed Panel of Adjudicators only in accordance with Section 6 of the Construction Contracts Act, 2013. An information booklet on the Construction Contracts Act, 2013 is available at [www.enterprise.gov.ie](http://www.enterprise.gov.ie/en/) for further guidance. **The application cannot be processed by the Construction Contracts Adjudication Service of the Department of Enterprise, Trade and Employment if the form is not fully completed or the supporting documents are not provided with the application form. Therefore, the date of the receipt of the application will be the date the fully completed form and supporting documents are received by the Construction Contracts Adjudication Service.**The Construction Contracts Adjudication Service may request further information or seek clarification(s) from the applicant if required to assist the Chairperson of the Construction Contracts Adjudication Panel to understand the nature of the payment dispute.**Note 2****Fees, costs and expenses of the Adjudicator**.Section 6 of the Construction Contracts Act, 2013 and *Code of Practice Governing the Conduct of Adjudications* contains provisions concerning the fees, costs and expenses of the Adjudicator. The parties are responsible for their own legal and other costs incurred in connection with the adjudication. **Note 3**Paragraphs 6, 19 and 36 of the ‘Code of Practice Governing the Conduct of Adjudications’ require that a *prospective Adjudicator* should only accept an appointment to a payment dispute under the Construction Contracts Act, 2013 if they are able to give the time and attention which the parties to the dispute are reasonably entitled to expect; if they believe that they are competent to determine the issues in dispute; and if they are satisfied that no conflict of interest exists between the *prospective Adjudicator* and the parties to the dispute. Where the appointment of an Adjudicator is to be made by the Chairperson of the Construction Contracts Adjudication Panel, pursuant to section 6(4) of the Act, and to assist *prospective Adjudicators* in determining their availability to a particular dispute, whenever the Chairperson enquires as to their availability prior to making an appointment to a particular dispute*,* the Chairperson will provide them with a copy of the document ‘Notice of Intention to refer the Payment Dispute for Adjudication’.  **Data Protection Legislation**The Construction Contracts Adjudication Service of the Department of Enterprise, Trade and Employment will hold data on all applications received in order to discharge its functions. Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing of personal data. The Data Protection Acts 1988 and 2018 confer rights on individuals as well as responsibilities on those persons processing personal data. Personal data, as covered by the Data Protection Acts, relates to the information on individuals and/or sole traders only. In processing an application to the Chairperson of the Construction Contracts Adjudication Panel requesting the appointment of an Adjudicator, the Construction Contracts Adjudication Service may contact a number of Adjudicators on the Ministerial appointed Panel of Adjudicators regarding their availability to take on a case if appointed by the Chairperson. The name of the parties involved in the payment dispute and other relevant details concerning the payment dispute may be disclosed to these Adjudicators. In submitting a completed application form to the Construction Contracts Adjudication Service, the applicant consents to the disclosure by the Construction Contracts Adjudication Service of information contained in the application form to members of the Ministerial appointed Panel of Adjudicators to establish their availability to be appointed by the Chairperson of the Construction Contracts Adjudication Panel to the payment dispute.  **Freedom of Information Legislation** The Construction Contracts Adjudication Service of the Department of Enterprise, Trade and Employment is subject to the Freedom of Information Act, 2014. |
| **For completion by the Department of Enterprise, Trade and Employment only.** |
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| **File Reference Number:** |  | **Date Received:** |  |  | **/** |  |  | **/** |  |  |  |  |  |
|  |
| **Receiving Officer Name:** |  |  | **Officer Grade:** |  |  |
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1. If there is more than one Respondent Party, copy this blank page and include their details. [↑](#footnote-ref-1)
2. If you select **No**, this application form should not be submitted to the Chairperson of the Construction Contracts Adjudication Panel. [↑](#footnote-ref-2)