

## ACCESS DISPUTE RESOLUTION RULES

### Template format for a Notice of Dispute

Access Dispute Resolution Rule B2 requires a Resolution Service Party wishing to refer a dispute to serve a written Notice of Dispute on the Secretary and a copy on every other party to the dispute. Rule B3 requires that, *unless otherwise advised by the Secretary*, the Notice of Dispute shall normally be in accordance with the template format as set out below and shall do all of the following:

- (a) state the contract and relevant contractual clause under which the reference is made (or such other basis for the reference under the Rules);
- (b) list the other parties concerned whether as a Dispute Party to the dispute or otherwise;
- (c) summarise the basis of the claim including a brief list of issues;
- (d) state whether the Dispute Parties have already agreed on a determination procedure, or, if not, specify the referring party's initial preference for a determination procedure, including, if it believes it is a Timetabling Dispute, a statement to this effect; and
- (e) state whether exceptional circumstances exist requiring an expedited hearing or process.

The template is available separately on this website in Word format to facilitate downloading for use. The format is designed to be used as an e-mail but may be adjusted into letter format. Text in bold should be considered the essential framework of the Notice.

### The template

[Title] **Notice of Dispute**

**On behalf of** *[insert legal name and registered company number of party bringing the dispute]* **and pursuant to** *[state name of the contract, relevant contractual clause under which the dispute reference is made (or other basis for referring the dispute)]*, **I give Notice of Dispute with** *[state legal name(s) of other party/ies]* **in relation to** *[indicate subject matter, e.g. "Decisions on Rules of the Route 2011, version 4"]*.

**This dispute is brought on the basis that** *[summarise the issues]*.

[Then state one of:-]

- (a) **We have agreed with the party/ies detailed above regarding the determination procedure and**
  - (i) **a Procedure Agreement will follow** *[or]*
  - (ii) **the Secretary is requested to draw up a Procedure Agreement on the following basis** *[insert the agreed stages]*

Continued....

(b) **The determination procedure preferred by** *[insert name of party bringing the dispute]* **is**  
*[insert the preferred stages]*

(c) *[Insert name of party bringing the dispute]* **considers this matter to be a Timetabling  
Dispute.**

[Then state one of:-]

(a) **We are continuing discussions with the other party/ies and do not consider there to be  
requirement for the dispute resolution process to be expedited**

(b) **We request that the determination process be expedited because** *[insert exceptional  
circumstances or reasons for urgent progression]*

[Then state one of:-]

(a) **Parties which might be concerned with this matter other than as a Dispute Party are** *[list  
potentially interested parties]*

(b) **We are not aware of any other Party which might be concerned with this matter.**

*[Indicate who will deal with the matter on behalf of the referring party if it is not to be to person  
signing off the Notice of Dispute]*

*[Sign off] [Provide name, job title, telephone, fax and e-mail details of the person submitting the  
dispute on behalf of the referring party]*