

THE  
INSTITUTE OF  
CHARTERED  
ACCOUNTANTS  
OF SCOTLAND



**FEE  
ARBITRATION  
SCHEME**

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# FEE ARBITRATION SCHEME

## THE INSTITUTE OF CHARTERED ACCOUNTANTS OF SCOTLAND

The Fee Arbitration Scheme of The Institute of Chartered Accountants of Scotland has been set up to assist members of the public and chartered accountants to reach a fair settlement of fee disputes.

The Scheme is the ideal alternative to potentially protracted legal action – providing a cost-effective and equitable solution. However, it is not appropriate for use in situations where the fee has been agreed in advance.

### **How does the scheme operate?**

Both parties must agree to the dispute being referred to the Scheme and to be bound by its decision. Each party to the dispute should then send an application for arbitration to the Institute on a form available from the Legal Services Department. The Institute will appoint an independent arbiter, the Auditor, who will decide the most appropriate way of dealing with the matter, and inform both parties of this in writing. He may at his discretion, take written evidence, oral submissions, or both from any party which he considers relevant. Having reached a decision he will then issue this, in writing, to both parties.

### **How long will it take?**

One of the main objectives of the Scheme is to ensure that a settlement is reached as quickly as possible. The time needed to conclude each case will depend on its complexity, the co-operation of the parties involved, and the amount of additional evidence required.

The Scheme does, however, set some time limits to ensure that the process is not unnecessarily delayed. For instance, within 21 days of the Auditor informing the parties how he will proceed, the client must submit a brief statement of claim, setting

out the amount of fees charged and the reasons why they are considered excessive. The accountant must respond to a request for information from the Auditor within any time limit set by him. Finally, once the Auditor has communicated his decision which is legally binding to both parties, settlement must be made within 21 days.

### **How much will it cost?**

The Auditor's fees are charged at an hourly rate. In determining the Award, the Auditor will decide who will meet his costs and, if they are to be shared, in what proportion. Although the amount of fees charged will again depend on the complexity of the case, the arbitration is generally the cheapest way to resolve the dispute, and certainly most cost-effective than opting for litigation.

If you are involved in a fee dispute and would like further information about the Fee Arbitration Scheme, or a copy of the Rules and an application form, then contact:

**Legal Services Department**  
**The Institute of Chartered Accountants of Scotland**  
**CA House**  
**21 Haymarket Yards**  
**Edinburgh EH12 5BH**

**Tel: 0131-347 0100**

**Fax: 0131-347 0105**

### **Data Protection Notice**

We will use the information which you provide us with to appoint an Auditor. We will not use that information for any unconnected purpose without your consent. The Institute recognises its duty to ensure that personal data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. The Institute also has a responsibility to ensure that data subjects have appropriate access – upon written request – to details regarding personal information relating to them.



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