

# Appendix 1

## Procedure for Complaints, Conciliation and Arbitration

**1. Initial complaint to motorcycle dealer**

Matter resolved?

Yes

No

**2. Escalation to manufacturer**

Matter resolved?

Yes

No

**3. Refer to ADR (via MCIA)**

Matter resolved?

Yes

No

**4. Arbitration**

**(a) Submission of Application for Arbitration with Registration Fee**

**(b) Appointment of an Arbitrator**

**(c) Arbitrator Investigates and Makes Award**

**Legally Binding Conclusion**

End

1. In the first instance you should make a complaint at the earliest opportunity to the Dealer that you bought the motorcycle from. Please note that your contractual relationship is with the Dealer and not the Manufacturer.  
  
The complaint should be in writing (email or letter) and addressed to the Dealer Principal/Chief Executive.
2. If the matter is not resolved to your satisfaction you should contact the Manufacturer of the motorcycle .
3. If attempts to reach a satisfactory conclusion still fail, you can choose to use the Alternative Dispute Resolution (ADR) service via the MCIA (contact details below). The ADR service is carried out by The National Conciliation Service (NCS), who are approved by the CTSI to provide ADS services.  
  
If you decide to proceed you will be asked to put your complaint in writing to the NCS. All complaints referred to the NCS within a reasonable time of the cause for complaint arising will be considered.
4. If you have still been unable to resolve your complaint through conciliation you can go to Arbitration. You will be informed how the Arbitration procedure works, and that the result is binding on both parties who must enter into an Arbitration arrangement. **Please note that you do not have to follow this procedure and are free to pursue your rights through the Courts if you prefer.**
  - (a) Both parties to the Arbitration will be asked to pay any applicable registration fee. When the Arbitrator makes his/her award, it will be decided whether the registration fee should be returned to the successful party.  
  
The NCS will organise the Arbitration hearing, and you will also be asked to sign an Application for Arbitration that must be returned with the registration fee.  
  
In order to keep costs as low as possible, the Arbitration will normally rely solely on documents. In these cases, none of the parties to the dispute may be present nor may they be represented by any other person.
  - (b) The NCS will submit to the Independent Panel of Arbitrators all the documentary evidence in its possession that it considers relevant to the case. The Independent Panel of Arbitrators will advise of the written evidence they have available on which it will base its judgment and invite further evidence which is considered relevant.  
  
The Chairman of the Independent Panel of Arbitrators will appoint a single Arbitrator ("the Arbitrator") and will make all the necessary arrangements for the Arbitration to be conducted as speedily as possible.
  - (c) The Arbitrator may decide to conduct an Arbitration hearing and the parties may then attend to present their evidence. Legal representation may only be employed if the Arbitrator directs.  
  
The Arbitrator has the power to direct any party to provide him/her and the other party(ies) any additional documents or information he/she considers to be relevant.  
  
The award of the Arbitrator will be published in writing to the parties to the dispute and to the MCIA.  
  
The award of the Arbitrator is binding on the parties and enforceable in the Courts.

