

MSMS MEDIATION CLAUSE

The MSMS Mediation Clause is set out below. This Clause together with the provisions of the Standard Mediation Agreement and Code of Practice constitute the MSMS appointment procedure.

The MSMS Mediation Clause can be incorporated into any standard form contract.

If a dispute has arisen where no Mediation Clause has been agreed in advance, the parties to that dispute can agree to refer the dispute to mediation by an exchange of correspondence. That exchange of correspondence must provide that the mediation procedure shall be:

1. that set out in the MSMS Code of Practice and MSMS Standard Mediation Agreement then applying at the date of referral;
2. if either party fails to concur in the appointment of a mediator, the appointment shall be made by any two current MSMS Advisors and the parties shall be deemed to have agreed to that appointment.

CLAUSE

"Mediation. Notwithstanding any other dispute resolution provisions in this contract, the parties hereby agree that either party may, at any stage before or after the commencement of other dispute resolution proceedings, serve notice upon the other party calling upon it to join with it in nominating a mediator and thereafter the parties shall use their best endeavours to mediate any dispute or disputes arising hereunder. The mediation procedure shall be that set out in the Code of Practice and Standard Mediation Agreement of Maritime Solicitors Mediation Services ("MSMS") (www.msmsg.com) as at the date of referral. If either party fails to concur in the appointment of a mediator, the appointment shall be made by any two current MSMS Advisors and the parties shall be deemed to have agreed to that appointment. This clause shall not apply to an admitted claim or debt or a claim for freight."