

Adjudication timeline

1

Pre-adjudication

Do you have a “construction contract”?
What provisions for adjudication apply?
Do you have the right to adjudicate? A dispute must have crystallised:

- Has a claim been made?
- Does it set out relevant information (such as background, legal basis and the remedy sought) and request a reply within a reasonable period of time?
- Has the other side rejected the claim or failed to respond?

2

Notice of adjudication

The Referring Party must serve the Notice of Adjudication.

The Notice should set out key information such as details of the parties, the contract, the nature of the dispute and the remedy sought.

Top tip:
Only one dispute can be referred to an adjudicator at any one time. It should be the same dispute which has crystallised.

3

Appoint the adjudicator

This must be done within **7 days** of the Notice of Adjudication.

The contract should set out how an adjudicator is to be appointed. They may be named or appointed through a particular nominating body (such as RICS).

The Referring Party should consider if there is a particular adjudicator they wish to propose to the Responding Party - perhaps because of expertise or previous adjudication experience.

The adjudicator will set preliminary directions.

Top tip:
If the identity of an adjudicator is not agreed within 1 or 2 days of a proposal the referring party should make an application to the relevant nominating body to ensure an adjudicator is appointed within the 7 days.

4

Referral notice

This must be served within **7 days** of the Notice of Adjudication.

It should set out the Referring Party's case together with supporting evidence and documentation.

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Response

Within **7 days** of the Referral Notice (this can be extended to **14 days**) the Responding Party must serve its Response (i.e. a defence), together with supporting evidence and documentation.

Top tip:

Consider challenging the adjudicator's jurisdiction.

Common challenges are:

- The contract is not a "construction contract";
- A dispute has not crystallised;
- More than one dispute has been referred to the adjudicator.

6

Reply and rejoinder

The adjudicator may permit the Referring Party to serve a Reply and, in turn, the Responding Party to serve a Rejoinder.

The adjudicator may request further documents or submissions, a site visit or an oral hearing in order to assist them in making a decision.

Top tip:

No new material should be introduced in the reply or rejoinder. The key people with information about the dispute should be ready and available to consider what has been raised in the response and reply immediately after they are served.

7

Decision

The adjudicator must give his or her decision within **28 days** of the Referral Notice.

This can be extended by **14 days** with the agreement of the Referring Party or by such period as both parties agree.

The Decision is binding unless it is challenged by litigation or arbitration.