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## Adjudication

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### Introduction

Adjudication is a Dispute Resolution process whereby an independent neutral, the Adjudicator, decides the issues in dispute within a predetermined, usually very short, time limit which can be extended. The Adjudicator's decision is binding on the parties but it is not usually final at that time unless the contract so provides.

Adjudication may be contractual or statutory as in the UK where it was introduced by Part 2 of the Housing Grants, Construction and Regeneration Act 1996. Adjudication came into effect in the UK generally in May 1998 and was extended into Northern Ireland in June 1999. Its introduction is normally seen as a response to the Latham Report of the early 1990s known as Constructing the Team and which identified cash flow as a major problem within the Construction Industry.

### Engineers Ireland Procedures

Engineers Ireland has not published an Adjudication Procedure.

There is no provision for Statutory Adjudication in this country although there are several instances of the process being used on a contractual basis.

### Decisions

The distinguishing feature of Adjudication is the tight time frame within which the decision is provided. In the UK this is normally twenty eight days from the time the dispute is referred to the Adjudicator although there is provision to extend this. It is sometimes said that the process confers an unfair advantage on the referring party and it is also generally accepted that it has shifted the balance of power between the party seeking payment and the party resisting payment.

It should also be noted that the process known as Conciliation set out in Clause 13 of the New Public Sector Contracts is very similar to Adjudication because of the binding but not final nature of the recommendation. In order to achieve a final resolution Adjudication is frequently used in Contracts with provision for Arbitration, or possibly litigation, subsequently if the parties are unhappy with the decision.

### Panels / Appointments

Engineers Ireland does not maintain a Panel of Adjudicators. However the organisation lists several members who are qualified and experienced in this area and if required the President of Engineers Ireland will appoint or nominate a suitable Adjudicator where a contractual dispute has arisen.