



## **Adjudication in the Construction Industry**

The recent Lord Justice Gillen review of access to justice and reforms of the Court system in Northern Ireland points to the intention of the Courts to revolutionise the Court System. Alternative Dispute Resolution techniques such as Arbitration, Adjudication and Mediation will be key features of the anticipated reforms which may be initiated in a 5 -10 year period.

In addition to the above, the Construction Contracts (Northern Ireland) Order 1997, as amended, introduced the right of a party to a construction contract to refer a dispute to Adjudication in line with a defined scheme. This scheme has been available in Northern Ireland for quite some time. It is also operative in England and Wales under a different statutory framework.

By way of very brief background, under the Construction Order all parties to a construction contract in Northern Ireland are entitled to refer a dispute under the contract to adjudication instead of court proceedings. An Adjudicator then hears and determines the dispute within a 28 day timeframe. This applies even if the contract does not specify the same as a dispute resolution mechanism and even if the contract attempts to exclude it. England, Wales and Scotland operate similar schemes.

The Construction Contracts Act 2013 became operative in the Republic of Ireland on 29<sup>th</sup> July 2013. By virtue of Section 6, Adjudication will become available to all parties to a construction contract as of 25<sup>th</sup> July 2016.

The RICS in conjunction with the Royal Society of Public Health offer a Diploma in Adjudication in the Construction Industry. Successful completion of the Diploma enables the trained individuals to apply for appointment to the Panel of Adjudicators held by the RICS.

Cleaver Fulton Rankin are delighted to announce that Directors Aaron Moore and Patrick Fleming, both having a specialist Construction/Dispute Resolution practice, have enrolled on the Diploma in Adjudication in the Construction Industry and will commence their training on 15<sup>th</sup> June 2016 to become RICS and CIArb accredited Adjudicators.

As well as already acting for parties involved in Adjudications, upon successful completion of the course Aaron Moore and Patrick Fleming will then be in a position to act as Adjudicators in construction disputes which arise in Northern Ireland, England, Wales, Scotland and the Republic of Ireland.

Aaron and Patrick are looking forward to the challenge ahead.

This article has been produced for general information purposes and further advice should be sought from a professional advisor. Please contact our Dispute Resolution Team at Cleaver Fulton Rankin for further advice or information.

