

Adjudication - specialist roofing contractor

Thomson Snell & Passmore's Construction & Engineering team acted for a specialist roofing contractor in relation to a dispute with a hostile lead-working subcontractor, who commenced an adjudication.

We were instructed mid-way through the adjudication, by which time the subcontractor had already sought to change its position repeatedly, and was making very serious unfounded allegations against our client.

We worked closely with our client and client's surveyor, who had prepared the adjudication documentation, to seek to regularise the position, given the adjudicator's departure from the standard conventions and rules of the adjudication process and lack of action to curtail the subcontractor's poor conduct. In particular, we ensured that the information that had been submitted piecemeal by the subcontractor was regularised, and that our client had the proper opportunity to respond in full to the subcontractor's case.

We advised our client in relation to the adjudicator's duties, the potential consequences of the procedural inconsistencies, and how best to get the adjudication on track so as to secure a sensible result, rather than merely causing the whole process to be re-started.

We also reviewed the adjudication documentation and identified areas for clarification, further explanation and where additional evidence should be put forward. The net result was to secure a result, without requiring the process to be restarted, which was acceptable and favourable to our client.

We subsequently advised our client in relation to post-adjudication correspondence and attempts by the subcontractor to bring other aspects in further adjudications. We had ensured that the adjudication was conducted in such a way as to minimise the prospects of the subcontractor being able to do so, and following correspondence no further action was taken by the subcontractor and the parties were able to reach a final resolution of all matters in dispute.

The net result was to secure an acceptable and favourable result, rather than merely causing the whole process to be re-started.



The team working on this case was headed by Chris Kirby-Turner, Associate in Construction & Engineering.

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