

Adjudication Seminar 2, Wednesday 10th March 2021

This highly successful and well-attended seminar was chaired by the Master, Margaret Bickford-Smith QC.

There were some ninety participants, all involved in or aspiring to practise adjudication under the Housing Grants, Construction and Regeneration Act 1996 (as amended). Questions were provided beforehand to those who applied to attend, for debate & discussion via the seminar's Zoom platform.

The following topics were discussed:

- The effects of variously worded Notices to Adjudicate on what might be decided;
- Payment problems pursuant to compliant and non-compliant contracts;
- How multi-issue "one dispute" referrals might be distinguished from multi-dispute referrals;
- Alleged bias in adjudicators' requests for their fees;
- Losing Party's Slip Rule requests that cannot be dealt with within the statutory period;
- The effects of the unanimous obiter remarks on Adjudicators' Jurisdiction from the Supreme Court in *Bresco Electrical Services Ltd. v Michael J Lonsdale (Electrical) Ltd*;
- The ramifications of the Supreme Court's judgment in *Halliburton v Chubb* on Adjudicators and Adjudicator Nominating Bodies as regards disclosure of related appointments both actual and potential by Adjudicators.

The many authorities that were discussed ranged over the period from 1975 to 2021. After the ninety-minute event, the attendees were provided with the results of research into possible answers. Feedback from participants was excellent.

About the Presenters

MATTHEW BASTONE DipArb FRICS FCIArb, Past Master of our Worshipful Company (2016-2017), is a Chartered Quantity Surveyor with extensive experience in commercial management and dispute resolution. Having worked at the highest level in the construction industry, both in the UK and overseas, he moved to set up in private practice. He was awarded the Robert Jardine Brown prize upon completion of the CEM Post Graduate Diploma in Arbitration in 1998, and now has long experience and many appointments as a practising Arbitrator and Adjudicator, serving on various panels including those of RICS, CIArb, RIBA and CEDR. He is also an accredited expert witness who, for over 20 years, has provided forensic surveying services and prepared expert reports in connection with a wide variety of construction disputes.

PHILIP FIDLER FRICS, FCIArb, C.Arb. who is a Quantity Surveyor, Arbitrator and Adjudicator, has been involved in construction activities since 1966, as an Arbitrator since 1988, and Adjudicator since 1999 having had roughly 300 appointments. He is a keen proponent of the Worshipful Company of Arbitrators' Pupillage Scheme, and an occasional lecturer and author of articles on construction and ADR matters. A quantum expert assisting the Court on about 30 occasions between 1985 and 2016, he has been a contributor since 2009 to the Chartered Institute of Arbitrators' and Adjudication Society's various Guidelines on Adjudication. He is an Arbitrator Member of the Society of Construction Arbitrators and a

Court Assistant of the Worshipful Company of Arbitrators.

MATT MOLLOY Matthew is an experienced dispute resolver and has been appointed in over 800 construction and engineering disputes as either adjudicator, arbitrator, mediator, expert determiner, Conflict or Dispute Avoidance Panel/Board member. These disputes have concerned a number of high profile projects both within the UK and overseas, and have involved complex technical and legal issues in a variety of sectors, including education, private and public housing, offices, hotels and leisure, sports stadia, roads and infrastructure, utilities, energy and process engineering. Matthew is a Chartered Arbitrator, Chartered Quantity Surveyor, Chartered Builder, has been called to the Bar and is the current Chair of the CIC ADR Management Board. He is also a Court Assistant of the Worshipful Company of Arbitrators.