

Here's a 15 point checklist of things to think about when getting an adjudication underway under the Housing Grants Construction and Regeneration Act (HGCRA).

1. Is the Agreement (or part of the Agreement) a 'Construction Contract'? Remember it could be for architectural/ Quantity Surveyor/ Engineer services or even a labour only bricklaying contract. If Yes,
2. Is the carrying out of the Construction Contract in England, Wales, Scotland or Northern Ireland? If Yes,
3. Do the exceptions to Construction Works take adjudication out of scope: Residential occupier/ dwelling/ drilling for oil or gas/ extraction of minerals/ steel erection in part to power, water, sewerage Works? If No,
4. Is the Construction Contract 'in writing'? There are all sorts of ways of 'being in writing'. If Yes,
5. Is there a crystallised dispute? Fairly easy to show. (See the cases). If Yes,
6. What rules apply to the Adjudication and are they compliant with the 8 rules of the Act? Look in the contract. If No,
7. Does 'The Scheme' apply? If Yes,
8. Have you checked that you are bringing one dispute at a time (it can have several sub-issues)? If Yes,
9. Have you sounded out the other party about who is the 'right' adjudicator for this dispute, or are you bound to apply to the specified Adjudicator Nominating Body (ANB) in the contract to appoint? Look in the contract. If Yes,
10. Have you compiled a carefully thought out 'Notice of Intention to Adjudicate'? You might take advice on this. If Yes,
11. Have you fully prepared the Referral Bundle ready to eventually send? Don't get caught out in a last minute rush. If Yes,
12. Have you now served the 'Notice of Intention to Adjudicate'? If Yes,
13. Have you then, and only then, put the Adjudicator person (whether party & party agreed or via ANB) in place immediately after the 'Notice of Intention to Adjudicate'? If Yes,
14. Are you ready to serve the Referral Bundle using the method of service in the Contract or Scheme? If Yes,
15. Have you served the Referral within 7-days of serving the 'Notice of Intention to Adjudicate'? Timetable is important.

Hoorah! You are now at DAY 1 of the 28-day dash. Let's go.