



A&L Goodbody

Recent Adjudication Decisions

Enda O'Keeffe, Partner

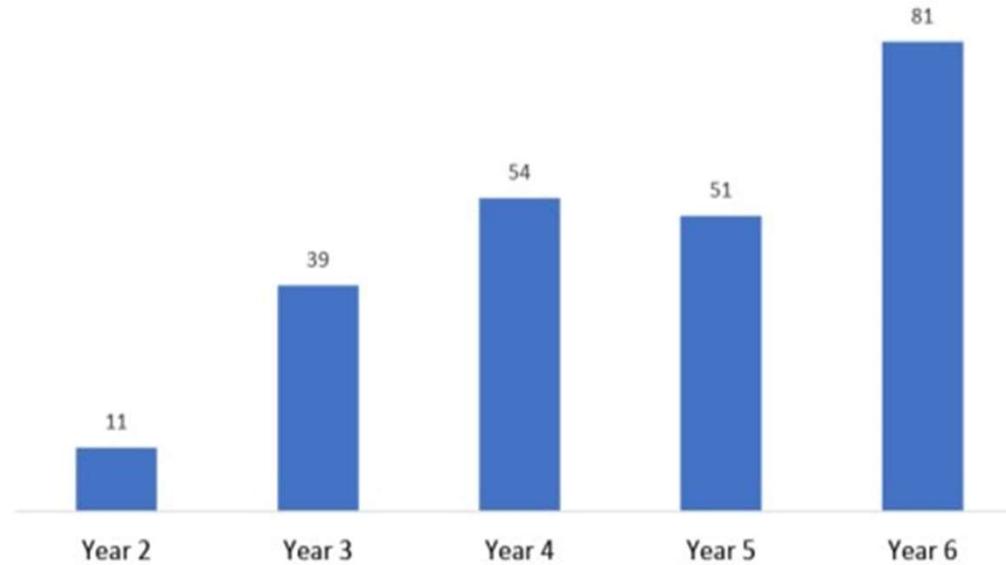
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The Numbers

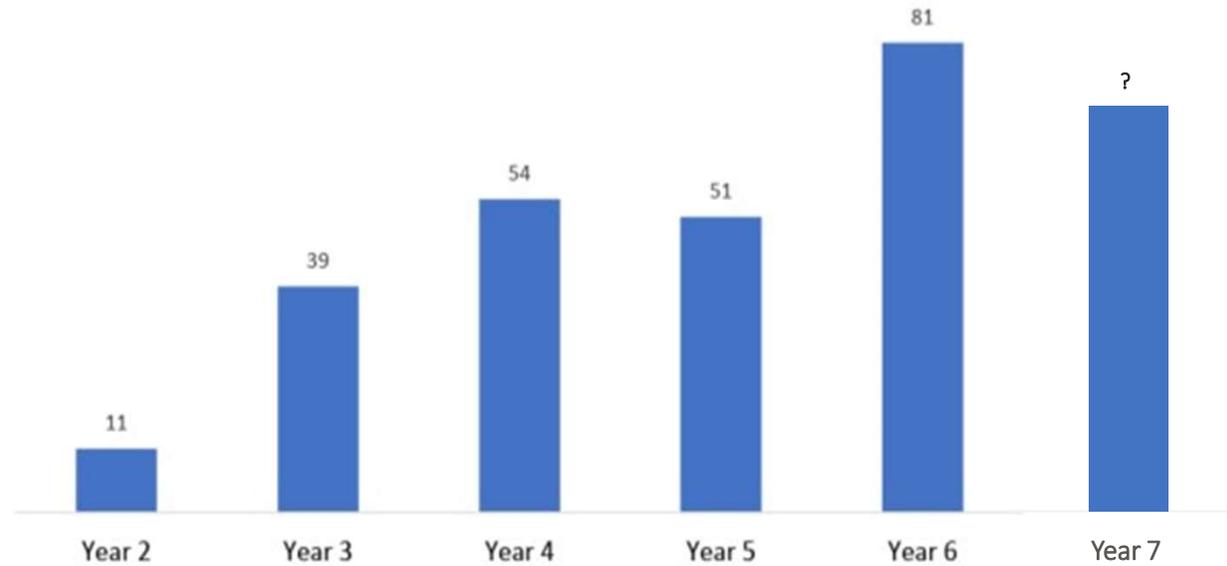
Figure 10
Applications made under section 6(4) of the Construction
Contracts Act, 2013 since July 2017



Source: Sixth Annual Report of the Chairperson of the Construction Adjudication Panel to the Minister of State for Business, Employment and Retail

The Numbers

Figure 10
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Recent High Court Decisions

- *DNCF LTD -v- Genus Homes LTD* [2023] IEHC 490
- The adjudicator is under no positive obligation to invite parties to elaborate upon their submissions

- [Adjudication: an iterative process? | Aug - 2023 | A&L Goodbody \(algoodbody.com\)](#)

Recent High Court Decisions

- *K&J Townmore Construction Limited -v- Keogh* [2023] IEHC 509
- The appropriate forum in which to raise a challenge to an adjudicator's jurisdiction is enforcement proceedings after the adjudication has concluded – not judicial review proceedings during the adjudication

- [The forum for challenges to an adjudicator's jurisdiction | Aug - 2023 | A&L Goodbody \(algoodbody.com\)](#)

Other Current Issues

- The costs of adjudication – including enforcement costs.
 - > Circuit Court enforcement process?
 - > Low Value Disputes Procedure.

Other Current Issues

- Making Representations to the Chairperson.

16. The Chairperson and/or the Construction Contracts Adjudication Service of the Department of Jobs, Enterprise and Innovation may seek further information or clarification(s) from the applicant relevant to the nature of the dispute and such information or clarification(s) should be provided promptly by the applicant and copied to the other party/parties to the payment dispute at the same time. **No additional or other supporting information should be submitted by the applicant without a specific request for such information from the above-mentioned in this paragraph.**

Other Current Issues

- Directions from an adjudicator

24. For the purposes of the adjudication proceedings, the Adjudicator may:

- (i) request any reasonable supporting or supplementing documents pertaining to the payment dispute detailed in the Notice of Intention and/or in the referral of the payment dispute to the Adjudicator;
- (ii) take the initiative in ascertaining the facts and matters required for a decision and make use of his/her own specialist knowledge, if it is appropriate to do so. If the Adjudicator uses any such specialist knowledge he/ she shall disclose this to the parties as appropriate;

Other Current Issues

32. If a party to the adjudication, without showing sufficient cause, fails to:

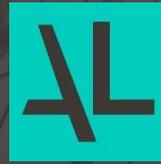
- (i) attend a meeting; or
- (ii) comply with any directions of the Adjudicator made in accordance with paragraph 26 of this Code of Practice; or
- (iii) disclose any information indicating a potential conflict of interest as required to do in accordance with paragraphs 9 and 19 of this Code of Practice; or
- (iv) produce any document or written statement requested by the Adjudicator;

the Adjudicator may:

- a) continue the adjudication in the absence of a party;
- b) continue the adjudication without the document or written statement requested;
- c) draw such inferences from that failure to comply as circumstances may, in the Adjudicator's opinion, be justified;
- d) make a decision on the basis of the material properly provided; and
- e) make a decision apportioning the fees, costs and expenses of the Adjudicator, as appropriate.



Thank you



Questions?
