

# Crown Office Chambers

## Fixed Fee Adjudication Scheme

Adjudication, whether under the Housing Grants, Construction and Regeneration Act 1996 or pursuant to the specific terms of a construction contract, has revolutionised dispute resolution in construction and engineering projects. Disputes are determined by an Adjudicator, who in most cases will be an experienced construction lawyer or an independent construction professional, with the Adjudicator's decision being binding upon the parties, save for rare occasions where the court declines to enforce the decision due to a procedural irregularity.

For the party referring a dispute, the 28 day timescale allows for a speedy resolution which protects cashflow and minimises disruption and delay on site, provided the referral is carefully drafted so as to avoid any successful challenges. For the party responding, it is vital that the issues raised by the referral are mastered quickly so as to ensure that a comprehensive response that advances all available arguments on jurisdiction and merits can be submitted within the 7-day response window.

Crown Office Chambers' construction team has extensive experience in the adjudication field, both representing referring or responding parties, and acting as the Adjudicator determining the dispute. Adjudication (whether you are the referring party or the responding party) can be a significant short term drain on our clients' resources. We are well placed to assist in these circumstances, and have the expertise to add value to the process.

In recognition of this, we have introduced a fixed fee adjudication scheme designed to reduce and simplify costs in lower value disputes where parties may need urgent assistance but do not wish to incur significant (or uncertain) expense.

For Adjudications up to the value of £100,000 (excluding VAT), we will charge a fixed fee of £5,000 + VAT.

For adjudications over £100,000, we are happy to discuss a fixed price that reflects the sum in issue and the complexity of the dispute: please contact one of the scheme administrators to discuss your requirements.

The Crown Office Chambers Fixed Fee Adjudication Scheme includes:

### Referring Party:

- Drafting Notice of Adjudication, Referral Notice and Reply (if required).
- Reviewing draft Witness Statements and expert reports.
- Assisting with correspondence with the other party and the Adjudicator.
- Attendance and representation at any Hearing directed by the Adjudicator (limited to hearings of one day or less).

### Responding Party:

- Drafting Notice of Response and Rejoinder (if required).
- Reviewing draft Witness Statements and expert reports.
- Assisting with correspondence with the other party and the Adjudicator.
- Attendance and representation at any Hearing directed by the Adjudicator (limited to hearings of one day or less).

Adjudications are normally a 28 day process, however there may be exceptional circumstances due to complexity or unforeseen factors where this timescale may be extended. In the event that the 28 day timescale is extended and additional work is required, additional fees may become payable. We will seek wherever possible to agree these when it becomes apparent that the timescale will be extended.

Most Adjudications covered by the Fixed Fee Scheme will be conducted by Barristers under 10 years' call. It will be appropriate in some cases for the work to be carried out by a very junior barrister with input from a more senior barrister. If the dispute is exceptionally complex or involves an exceptionally large volume of documentation, we reserve the right to charge additional fees which we will seek to agree in advance.

### Enforcement of Adjudication Decisions

Most Adjudications conclude in a decision from the Adjudicator and, if payment is directed, payment being made without any further disputes or delays. There are instances however where it will be necessary for a party to seek the assistance of the Courts to enforce the decision of the Adjudicator or to dispute the decision made.

In such circumstances, where Counsel has been instructed in relation to the original Adjudication pursuant to the Fixed Fee Scheme, the fee for preparation for and attendance at a typical half day enforcement Hearing in the London TCC will be fixed at £1,500.00 + VAT.

### Crown Office Chambers Fixed Fee Adjudication scheme is administered by:

Construction Senior Team Clerk: Chris Sunderland: 020 7797 6227, [sunderland@crownofficechambers.com](mailto:sunderland@crownofficechambers.com)

Assisted by Christopher Kent: 020 7797 6178, [ckent@crownofficechambers.com](mailto:ckent@crownofficechambers.com)