
Professional Certificate in Construction Legal Compliance (United Kingdom)

Dispute Resolution in Construction

****Adjudication****

In the context of construction disputes, adjudication is a statutory process for resolving disputes that arise between parties during the construction process. Introduced by the Housing Grants, Construction and Regeneration Act 1996 (as amended), adjudication provides a quick and cost-effective means of resolving disputes, with decisions typically being reached within 28 days.

Related terms: Dispute Resolution, Housing Grants, Construction and Regeneration Act 1996, Adjudicator, Adjudication Notice.

****Adjudicator****

An adjudicator is an impartial third party appointed to resolve a construction dispute through adjudication. Adjudicators are typically experienced construction professionals, such as architects, engineers, or surveyors, who have undergone specific training to become adjudicators.

Related terms: Adjudication, Dispute Resolution, Housing Grants, Construction and Regeneration Act 1996, Adjudication Notice.

****Adjudication Notice****

An adjudication notice is a formal document that sets out the details of a construction dispute and initiates the adjudication process. The notice must be served on the other party to the dispute and must specify the nature of the dispute, the parties involved, and the relief sought.

Related terms: Adjudication, Dispute Resolution, Housing Grants, Construction and Regeneration Act 1996, Adjudicator.

****Alternative Dispute Resolution (ADR)****

Alternative Dispute Resolution (ADR) is a collective term used to describe a range of processes for resolving disputes outside of the traditional court system. ADR processes include adjudication, arbitration, mediation, conciliation, and early neutral evaluation.

Related terms: Adjudication, Arbitration, Mediation, Conciliation, Early Neutral Evaluation, Dispute Resolution.

****Arbitration****

Arbitration is a process for resolving disputes in which an impartial third party, known as an arbitrator, is appointed to consider the evidence and make a binding decision. Arbitration is often used in construction

disputes as it provides a more flexible and confidential alternative to litigation.

Related terms: Alternative Dispute Resolution (ADR), Dispute Resolution, Arbitrator, Adjudication, Mediation.

****Arbitrator****

An arbitrator is an impartial third party appointed to resolve a dispute through arbitration. Arbitrators are typically experienced construction professionals who have undergone specific training to become arbitrators.

Related terms: Arbitration, Alternative Dispute Resolution (ADR), Dispute Resolution, Adjudication, Mediation.

****Conciliation****

Conciliation is a form of Alternative Dispute Resolution (ADR) in which an impartial third party, known as a conciliator, assists the parties in reaching a mutually acceptable resolution to their dispute. Unlike mediation, the conciliator may put forward proposals for settlement.

Related terms: Alternative Dispute Resolution (ADR), Dispute Resolution, Adjudication, Arbitration, Mediation.

****Early Neutral Evaluation****

Early Neutral Evaluation (ENE) is a form of Alternative Dispute Resolution (ADR) in which an impartial third party, known as an evaluator, provides an evaluation of the strengths and weaknesses of each party's case. The evaluation is non-binding and is intended to assist the parties in reaching a settlement.

Related terms: Alternative Dispute Resolution (ADR), Dispute Resolution, Adjudication, Arbitration, Mediation.

****Expert Determination****

Expert determination is a process for resolving disputes in which an impartial expert is appointed to consider the evidence and make a binding decision. Expert determination is often used in technical disputes, such as those involving design or construction issues.

Related terms: Alternative Dispute Resolution (ADR), Dispute Resolution, Adjudication, Arbitration, Mediation.

****Mediation****

Mediation is a process for resolving disputes in which an impartial third party, known as a mediator, assists the parties in reaching a mutually acceptable resolution to their dispute. Unlike adjudication and arbitration, mediation is a non-binding process and the mediator does not make a decision or impose a solution.

Related terms: Alternative Dispute Resolution (ADR), Dispute Resolution, Adjudication, Arbitration,

Conciliation.

****Mediator****

A mediator is an impartial third party appointed to assist the parties in reaching a mutually acceptable resolution to their dispute through mediation. Mediators are typically experienced construction professionals who have undergone specific training to become mediators.

Related terms: Mediation, Alternative Dispute Resolution (ADR), Dispute Resolution, Adjudication, Arbitration.

****Parties****

In the context of construction disputes, parties refer to the individuals or organizations involved in the dispute. This may include the employer, the contractor, subcontractors, and suppliers.

Related terms: Construction Dispute, Dispute Resolution, Adjudication, Arbitration, Mediation.

****Statutory Right to Adjudication****

The statutory right to adjudication is a right conferred on parties to a construction contract by the Housing Grants, Construction and Regeneration Act 1996 (as amended). The right allows parties to refer disputes to adjudication at any time during the construction process, and the adjudicator's decision is binding unless and until challenged in court or arbitration.

Related terms: Adjudication, Dispute Resolution, Housing Grants, Construction and Regeneration Act 1996, Adjudicator.

****Without Prejudice****

Without prejudice is a legal term used to describe communications made in an attempt to settle a dispute. Without prejudice communications are confidential and cannot be used as evidence in court or arbitration, except in certain limited circumstances.

Related terms: Dispute Resolution, Adjudication, Arbitration, Mediation, Settlement.