

Let's call it 'Dispute Watch'. It's 12 years now since mandatory 28-day Adjudication was invented. What that 28-day period really means is that if you are the Responding/ Defending Party in an adjudication began this morning you have to drop everything and get on to the adjudication; yes now... before noon.

It only takes a dispute to find yourself at the thick end of an adjudication. Do you begin to see what I mean by 'Dispute Watch'? In your firm, in your company, on each contract appoint a 'Dispute Watcher'.

Come to think of it, the ideal person is the project Quantity Surveyor. Ideal, at least, as between the main contractor and sub-contractors. In law it takes very little to give rise to a dispute. Once it becomes crystallised, then no one can stop (say) the sub-contractor preparing then beginning an adjudication. And that's where I come in; the adjudicator suddenly pops up... this morning. And that's when the Responding/Defending main contractor gets the heebie-jeebies. 'Ambush!' he shouts... and more besides. The adjudicator can pay little or no attention. I have 28 very tight days to decide the dispute. The Respondent can have 7 of these days to provide answers to the often well-prepared Referring Party. The grumpy Respondent will complain bitterly that he has been caught out. But can you see why that's not a sound answer?

'Dispute Watch' and my 'Dispute Watcher' will know full well that disputes are very ordinary. Be ready. The very first sign of a variation/change order flags up 'potential dispute'. Do you see why the Quantity Surveyor is well suited to the job? Someone will want to argue that it is not a variation at all... dispute! Someone will want to argue that if it is a variation, the price is not the price the other chap puts on it... dispute! Someone will argue that this is not only a variation but also entitles an extension of time... dispute! Need I say more? But, and this is the key, the 'Dispute Watcher' will have already begun to be ready for an adjudicator to pop-up.

So, 'Good Morning, my name is Tony Bingham, and I have been appointed as adjudicator'. And you will pop-up and happily say 'Good Morning my name is 'Dispute Watcher' and I am completely prepared to argue our case'. As for any signs of ambush... 'Tish-tosh'... never. It's called 'Dispute Watch'.