

We've previously [taken a look at what an adjudication is](#) and what you [might want to think about when a dispute needs adjudicating](#)

. This month, we're looking at adjudication under the NEC3 document and think about some specific aspects of appointing an adjudicator under this type of contract.

The Engineering and Construction Contract came along in 1993. It is now known as 'NEC 3'. That edition was published 2005. NEC 3 is widely used for both civil engineering and building contracts. The Olympics work is an example. It is intended for UK and works elsewhere in the world. The role of the adjudicator is prominent. He features because the 'Project Manager' in NEC 3 plays an important decision making role about all sorts of things. But those decisions are immediately subject to the views of the Adjudicator should Employer or contractor have cause for concern. It is fair to say that NEC works hard to avoid differences of opinion with the Project Manager souring the co-operative theme of the document. Instead of rowing with the Employer appointed Project Manager, the idea is to immediately call up the arms-length adjudicator. It works if you don't delay.

The NEC 3 adjudicator for non-UK work does not have the same scope as the NEC 3 UK adjudicator. The difference is because adjudicating a construction contract dispute in the UK is subject to statute. Bear that in mind; but it is nothing to be concerned about. But beware; NEC 3 is not a contract document in the style of JCT nor ICE nor many of the subcontract documents. The reason for saying beware is that those of us who have made a study of NEC contracts and dealt with disputes under NEC know that it is not entirely straight forward nor in practice is it easy to apply... To be blunt, an adjudicator who finds himself faced with NEC 3 will not be satisfactory (at high speed) if he comes to it new or has only a mere fleeting acquaintance.

So be careful about who is appointed to be adjudicator, When you are at contract formation stage the 'data' in the NEC 3 form invites you to enter a name. The snag is knowing who. It is a role only for those of us who have thumbed and fathomed this suite of EEC/NEC documents since the year dot. There are two adjudicator nominating bodies who are probably best suited to appoint the adjudicator at the time when required and know which adjudicators are best suited to NEC 3 and the particular dispute; nec-adjudicators.org is one; the other is adjudication.co.uk

. Use them at the time rather than a fixed name come what may.