

## **UK court rejects attempt to stop adjudication on pandemic grounds**

A contractor's attempt to halt an adjudication due to difficulties caused by the coronavirus lockdown has been rejected by the High Court in England.

Mrs Justice Jefford ruled that contractor Millchris Developments Ltd had not been able to show that, by going ahead, the adjudication would be conducted in breach of natural justice with the inevitable consequence that it would be unenforceable.

Construction disputes expert James Ladner of Pinsent Masons said that, on the facts of this case, Millchris had not been able to meet the high threshold required for an injunction to be granted.

"The case involved a relatively modest housebuilding dispute," he said. "In other cases, such as a final account adjudication for many millions of pounds on a large commercial development, or one involving complex extension of time arguments, the court may find differently if access to evidence is severely hampered, particularly if the adjudicator and referring party are not prepared to significantly extend the 28 day statutory timetable."

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Before the court, Millchris argued that it had been given insufficient time to prepare for the adjudication given the lockdown measures and the fact that it had ceased trading. It said that its solicitor was in self-isolation at home, making it difficult to obtain evidence from those with knowledge of the dispute. In addition, it would not be able to attend the site visit because of the lockdown measures while Waters would be able to, as the site was her home.

Mrs Justice Jefford disagreed that there would be a breach of natural justice here, denying the injunction sought.