

**Before His Honour Judge Gilliland.** TCC. Salford. 27<sup>th</sup> July 2000.

A construction dispute was referred to adjudication subject to the TeCSA Rules (Version 1.3) Balfour Kilpatrick sought enforcement by a Part 24 CPR application.

Glauser resisted on the grounds that, contrary to TeCSA Rule 3 (which refers to “dispute” in the singular), more than one dispute had been referred to the adjudicator.

Glauser further asserted that the complexity of the disputes rendered them unsuitable for adjudication in that the short time scale available for the process would lead to unfairness and hence a breach of the rules of natural justice, in that a fair hearing of the issues would not be possible.

His Honour Judge Gilliland held that the dispute referred consists as per Rule 11 TecSA Rules, of the “*matters identified in the notice.*” Those matters are not, by virtue of Rule 11, limited to a single item of claim or issue.

Furthermore, he repelled assertions that the number of matters referred and their complexity rendered adjudication an unsuitable process for dealing with them fairly and amounted to a breach of natural justice. He noted that there was a mechanism for extensions of time, to allow further exploration of the matters in the adjudication, which had not been requested.