**FORM 15**

**Sample Format of an adjudication decision**

**IN THE MATTER OF AN ADJUDICATION**

**CONDUCTED PURSUANT TO THE AIAC RULES AND**

**CONSTRUCTION INDUSTRY PAYMENT & ADJUDICATION ACT 2012**

**[*Adjudication Reference No:*]**

**BETWEEN**

**XXX … CLAIMANT**

**AND**

**YYY … RESPONDENT**

Before : [Name of the Adjudicator]

|  |
| --- |
| **ADJUDICATION DECISION****DATED (DD/MM/YY)** |

**A: THE PARTIES**

[*Describe the parties to the adjudication and state whether they were represented. If they were represented, identify the representatives.*]

**B: THE CONSTRUCTION CONTRACT AND BACKGROUND FACTS**

[*Describe the relevant construction contract, and set out the background facts relating to the matters in dispute*]

**D: THE CLAIMANT’S PAYMENT CLAIM**

[*Set out the details of the Payment Claim, e.g. the amount claimed, the due date for payment of the amount claimed, the cause of action as identified therein, a description of the work or services to which the payment relates, etc.*]

**E: RESPONDENT’S PAYMENT RESPONSE (if any)**

[*Set out the details of the Payment Response, e.g. the amount admitted, the amount paid, the amount, in dispute, the reason for withholding payment such as set-off, abatement, cross-claim, etc.*]

**F: REFERENCE TO ADJUDICATION**

[*Set out the scope of reference and the reliefs / remedies claimed in the Notice of Adjudication, and particulars relating to the Notice of Adjudication, ie. the date when it was served, etc.*]

**G: APPOINTMENT OF ADJUDICATOR**

[*How the appointment was made, ie. whether by agreement or by the Director of the AIAC, when the adjudicator accepted the appointment, etc*]

**H: ISSUES**

[*Set out the issues requiring the determination of the adjudicator, e.g. relating to liability and quantum of the claim*]

**I: ADJUDICATION CLAIM**

 [*Set out the details of the adjudication claim, e.g. nature and description of the claim, the basis for the claim, the relief(s) / remedy(ies) sought in the adjudication claim, and identify briefly the documents / evidence relied on by the Claimant*]

**I: ADJUDICATION RESPONSE**

[*Set out the details of the adjudication response, e.g. the Respondent’s answer to the adjudication claim, the grounds advanced by the Respondent, and identify briefly the documents / evidence relied on by the Respondent*]

**J: ADJUDICATION REPLY (if any)**

[*Set out the answer by the Claimant to the Adjudication Response, and identify briefly any further documents / evidence produced by the Claimant*]

**K: HEARING / MEETING / SITE VISIT**

[*Set out the number of days of hearing / meeting, and the evidence taken during the hearing or meeting, the date of the site visit, any other action taken by the adjudicator etc.*]

**L: FINDINGS AND REASONS**

[*Discuss each issue by providing his findings and reasons for his findings.*]

**M: COSTS & ADJUDICATOR’S FEES AND EXPENSES**

[*Discuss as to who shall bear the costs, and fix the quantum of costs to be paid. Set out the amount of adjudicator’s fees and expenses payable, and the details thereof*]

**N: DETERMINATION**

[*Set out the decision of the adjudicator*]

e.g.

Example 1: Where claim or cross-claim is successful

1. [*State the adjudicated amount (if any), the paying party, and the party entitled to receive payment from the paying party, and the time within which the adjudicated amount is to be paid[[1]](#footnote-1)*];
2. [*Financing cost and/or Interest awarded pursuant to section 25(o) of the CIPA Act 2012, if any*];
3. [*Costs of the adjudication proceedings to be borne (by the losing party) pursuant to Section 18(1) of CIPA Act 2012 in the amount of (amount), which shall include the Adjudicator’s fees and expenses in the amount of (amount). State the time within which payment of the costs of the adjudication proceedings are to be paid*];
4. [*State the manner the adjudicated amount, together with interests and costs, are to be paid*[[2]](#footnote-2)].

Example 2: Where claim is unsuccessful

1. [State that the claim is dismissed];
2. [*Costs of the adjudication proceedings to be borne (by the losing party) pursuant to Section 18(1) of CIPA Act 2012 in the amount of (amount), which shall include the Adjudicator’s fees and expenses in the amount of (amount). State the time within which payment of the costs of the adjudication proceedings are to be paid*]:

(c) [*State the manner the costs are to be paid*[[3]](#footnote-3)].

Dated this (*DD/MM/YY*)

*(signed)*

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(Adjudicator’s Name)

1. Section 12(5) of the CIPA Act 2012. [↑](#footnote-ref-1)
2. 46 Section 12(5) of the CIPA Act 2012. [↑](#footnote-ref-2)
3. 47 Section 12(5) of the CIPA Act 2012. [↑](#footnote-ref-3)