

## Selection of an adjudicator

After the notice of adjudication has been served on the other party, the adjudicator must be selected. The CCA provide three options for selecting an adjudicator

1. Agreement between the parties as soon as practicable after the noticed has been served (s33(1) (a) & (b))
2. If no agreement can be reached, then the parties can agree on a nominating body to select an adjudicator within five days of the adjudication notice being served or any further period the parties agree (s33(1)( c) & 33(2) (b))
3. If there is no agreement on either the adjudicator or the nominating body, then the claimant can request an authorised nominating authority to select an adjudicator within five working days of the notice being served or any further period the parties agree. s33(1)(d) & 33(2)(b)

In an adjudication where a claimant has requested that the adjudicator approve the issue of a charging order, the adjudicator can only be selected by an authorised nominating authority (s63). The claimant in this case must request the authorized nominating authority to select the adjudicator.

All requests for someone to act as an adjudicator, or for a nominating body or authorized nominating authority to select an adjudicator, must be;

- in writing (s33(5)(a))
- include a copy of the notice of adjudication(s33(5)(b))
- state that it is made under the Construction Contracts Act 2002.

**The most cost-effective way to select an adjudicator is for the parties to agree.** To assist you with the selection a list of Adjudicators and a brief background of their qualifications is provided by the Adjudicators' Association of New Zealand.

A nominating body means a person (whether incorporated or not) who nominates adjudicators for the purpose of this Act. You may for example agree to ask the Building Research Association of New Zealand (BRANZ) to select an adjudicator. The nominating body may request a fee for making the selection and processing the selection.

Authorised nominating authorities are approved by the Department of Building and Housing. The authority has the power under the act to select adjudicators when the parties have been unable to agree on a person or nominating body.

a. For selection by agreement between the parties

<http://www.adjudicator.co.nz/files/4 Selection of Adjudicator parties agree.pdf>

b. For selection of a nominating body

<http://www.adjudicator.co.nz/files/5 Selection of Nominating Body.pdf>

For general enquiries or assistance with the selection of a nominating body you may contact

The President  
Dr. Kelvin Walls  
Adjudicators Association of New Zealand Inc  
P O Box 99613  
Newmarket, Auckland  
Ph 09 5249064 Mobile 027 280 8691  
Email – buildcode@xtra.co.nz