



Dear members

The London and South East Region of the Adjudication Society, together with Hardwicke Law, have organised an event which we hope will be of interest to those involved with, or interested in, adjudication.

**Title:** **Whose Claim is it Anyway?**

**Venue:** [Hardwicke, Hardwicke Building, New Square, Lincoln's Inn, London WC2A 3SB](#)

**Date and Time:** Wednesday 25<sup>th</sup> November 2015, 18.00 for 18.30hrs. Preceded and followed by refreshments kindly provided by Hardwicke.

The Society is very pleased that Hardwicke is kindly hosting this interesting topic.

The Supreme Court has now clarified the basis upon which money can be reclaimed in litigation which was previously paid out pursuant to an Adjudication Decision. Whilst the decision of **Aspect v Higgins** answered many of the pressing questions, including the nature of the cause of action and whether the Limitation Period ran from the original breach, it did not explain whether or not the burden of proof was impacted by the Adjudication Decision.

The question of which party has to prove their case is fundamental to any claim, especially in complex construction disputes brought many years after the works have completed. What is the status of such claims and upon who is the burden? If the burden is on the party seeking repayment, how has the Construction Act ended up affecting the permanent substantive rights of the parties, when it was clearly never intended to do so? If not, what is the jurisprudential basis for allowing a claimant to succeed without proving their claim?

The seminar is an opportunity to consider these issues in depth with Charlie Thompson and David Pliener, barristers at **Hardwicke**.

Space is limited so please make sure you book early to guarantee a place.

This meeting is free for members of the Adjudication Society and their guests, but places must be booked in advance by email to [AdjudicationSociety@mcmc.co.uk](mailto:AdjudicationSociety@mcmc.co.uk).

This meeting is accredited for 1.5 hours CPD by the Solicitors Regulation Authority and the Bar Standards Board.

With kind regards

Frank Rayner

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