

BUILDING DISPUTES TRIBUNAL: BRIEFING



BUILDING DISPUTES TRIBUNAL
TE TĀHĀPIHUNGA MĀO NGA TAUTOHE WHARE

Time Periods for Adjudication under the Act

Below is an outline of the time periods for adjudication in working days.

Please Note: *While several procedural steps have no fixed time limits, in practice many of the steps are completed much quicker than contemplated or permitted under the Act.*

FOR EXAMPLE - steps 1 - 4 could all occur within 48 hours – (two working days rather than 12): ie a claimant may serve the notice of adjudication on day one and apply to the Building Disputes Tribunal to nominate an adjudicator on the second working day after service of the notice, the adjudicator may then immediately confirm his or her willingness and ability to act as adjudicator and serve a notice of acceptance on the parties, and the claimant may then immediately serve its adjudication claim, all on the second working day following service of the notice of adjudication.

Working Days	Adjudication Time Periods
Day 0	Claimant serves notice of adjudication on respondent.
Day 5	Parties may agree on adjudicator within five working days (unless parties agree to extend period)) or the claimant may apply to the Building Disputes Tribunal, as an authorised nominating authority, to nominate an adjudicator between two and five days after service of notice of adjudication.
Day 7	Person requested to act as adjudicator must within two working days of receipt of the request or nomination indicate his or her willingness to act. If willing and able to act he or she must then serve a notice of acceptance on the parties (there is no time limit on the period for service of the notice of acceptance, but assume notice of willingness and notice of acceptance will be served together).
Day 12	Claimant must refer the dispute in writing to the adjudicator within five working days of the notice of acceptance.

Day 17	Respondent may serve a written response to the adjudication claim on the adjudicator within five working days of receipt of the adjudication claim (unless the parties agree or the adjudicator allows further time) and on every other party to the adjudication either immediately before or after they are served on the adjudicator - (no time limit on period parties may agree or adjudicator may allow).
Day 22	Claimant may serve reply to respondent's response to the adjudication claim on the adjudicator within five working days after receipt of the response, and on every other party to the adjudication either immediately before or after they are served on the adjudicator.
Day 24	Respondent may apply for and be granted the right to serve a rejoinder to the claimant's reply within two working days after receipt of the reply.
Day 37	Adjudicator determines the dispute within 20 working days of receipt of the response to the adjudication claim (but can extend time to 30 working days - or longer with the consent of the parties).
Day 39	Parties may notify the adjudicator of any corrections required in the determination and adjudicator must make corrections within the two working days.
Day 40	If the respondent has not paid the whole of any amount it has been determined liable to pay the claimant, the claimant may serve a notice of intention to suspend work, apply to the District Court to have the determination enforced by entry as a judgment, apply to recover the unpaid amount from the party liable to make payment as debt due, and apply for a charging order against the construction site if approval granted by the adjudicator.
Day 44	Claimant can suspend work if after five working days the respondent has not complied with adjudicator's determination.

**BDT
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This briefing is only intended to provide readers with an overview summary of the subject matter. It is not intended to be comprehensive or a substitute for independent legal advice.

For further information or enquiries as to Building Disputes Tribunal's services, please contact us via our [online](https://www.buildingdisputestribunal.co.nz/contact) contact form or by email to registrar@buildingdisputestribunal.co.nz.

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