

APPENDIX 1: DEFINITIONS AND INTERPRETATION¹

For the purposes of this Law, unless the context otherwise requires –

“Adjudication” shall mean an adjudication of a dispute carried out under this law and **includes** any step or action taken in an adjudication from the filing of a Notice of Adjudication to the delivery of an adjudicator’s decision.

“Adjudication Costs” means the fees and expenses incurred in the adjudication as defined in article 47(1) of this law.

“Adjudication Claim” means the claim referred to adjudication under article 31.

“Adjudication Reply” mean the reply of the referring party, if any, as provided for in article 33.

“Adjudication Response” means the response of the Responding Party as required by article 32.

“Adjudicator” means an individual [or tribunal or board, howsoever described but referred to as “the adjudicator”, comprising one, two or more individuals appointed in accordance with the parties’ contract or this law to decide a dispute that has been referred to adjudication.

“Adjudicator’s Decision” means the decision rendered by the adjudicator or the tribunal pursuant to the referral of the dispute to adjudication in accordance with article 42.

“Adjudicator Nominating Body” means the person or body authorized by the Contracting State under article 26 to nominate an adjudicator or to provide the Parties with a list of adjudicators from its panel/register of adjudicators.

“Application for Payment” means any application for a progress, stage or final account payment under the contract or this law as prescribed in article 15.

“Business Day” means the usual business day in the relevant contracting state.

“Certificated amount” means a sum specified in a payment certificate that the paying party proposes to pay to the receiving party in response to an application for payment under article 16.

¹ Article headings are for reference purposes only and are not to be used for purposes of interpretation.

"Claim" means any dispute which is the subject of a claim made in the Notice of Adjudication as referred to in article 23.

"Contract" means the construction contract

"Construction Contract" means a written, oral, or partly written and partly oral construction contract as defined in article 3.

"Construction work" means the work or provision of goods or services as defined in article 4 of this law.

"the Court" includes a Court, Arbitral Tribunal, Review or Appeal Panel to which any party to a construction contract has a right of recourse against an adjudicator's decision, and includes any court or tribunal of competent jurisdiction in the governing state empowered to supervise the adjudication, determine any appeals and enforce, or refuse to enforce an adjudicator's decision.

"Day" means a calendar day.

"decision" means the adjudicator's decision [ibid].

"dispute" means any dispute or difference arising from or in connection with the Contract and being the dispute referred to adjudication for decision by the adjudicator referred to in **article XX** of which a notice has been given in accordance with the provisions of **article XX**.

"Notice of Adjudication" / "Notice" means the notice of intention to refer a dispute to adjudication referred to in articles 22 and 23.

"Other proceedings" referred to in article 48 means either litigation, arbitration or other proceedings agreed upon by the Parties as the mechanism to secure the final resolution of the dispute which is the subject of an adjudicator's decision under this law.

"Paying Party" / **"Responding Party"** means the party to a construction contract who, if the claim succeeds, is liable to make payment of all or any part of the sum claimed or otherwise liable to provide the relief ordered by the adjudicator in their decision.

"payment" means—

- a. An instalment, stage or progress payment for construction work carried out under a construction contract; or

- b. another type of payment under a construction contract to which a party who has agreed to carry out construction work under the contract is entitled for, or in relation to, construction work carried out or goods or services supplied by that party under the contract.

“Payment Certificate” means the document issued by the paying party pursuant to article 16 in response to an application for payment.

“Payment Claim” means an application for payment, that the receiving party claims to be due, calculated in accordance with the contract or the provisions of Part 2.3 of this law.

Receiving Party/Referring Party means the party to a construction contract who refers the dispute to adjudication and claims to be entitled to a payment or other relief.

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