



John Doyle Construction Limited (in liquidation) v. Erith Contractors Limited [2020] EWHC 2451: Enforcing adjudication claims brought by insolvent companies post-Bresco

Thank you for attending this online workshop. We were delighted that so many of our colleagues attended. In response to a number of requests we have put together this short information sheet setting out the material we referred to during the session. The [recording of the webinar](#) can be found on our website.

The discussion was underpinned by these decisions.

- ***John Doyle Construction Limited (in liquidation) v Erith Contractors Limited*** [2020] EWHC 2451.
- ***Michael J Lonsdale (Electrical) Ltd v Bresco Electrical Services Ltd (in liquidation)*** [2020] UKSC 25, in the Court of Appeal at [2019] EWCA Civ 27 and before Mr Justice Fraser at [2018] EWHC 2043 (TCC).

- ***Meadowside Buildings Development Ltd (in liquidation) v 12-18 Hill Street Management Co Ltd*** [2019] EWHC 2651 (TCC).
- ***Balfour Beatty Civil Engineering Ltd v Astec Projects Limited (In Liquidation)*** [2020] 796 (TCC).

In addition we flagged up the following material:

- As to the basis for mutual dealings and insolvency set-off in liquidation, r.14.25 of the Insolvency Rules 2016, and the corresponding rule in administration where the administrator intends to make a distribution, r.14.24 IR 2016.
- As to the difficulty of making the insolvency and adjudication regimes compatible: ***Bouygues (UK) Ltd v Dahl Jensen (UK) Ltd*** [2000] EWCA Civ 507, [2001] 1 All ER (Comm) 1041.
- As to an assessment as to whether any ATE policy offered was sufficient: ***Premier Motorauctions v Price Waterhouse Coopers*** [2017] EWCA Civ 1872, and ***Geophysical Service Centre Co v Dowell Schlumberger (ME) Inc*** [2013] EWHC 147 (TCC); 147 Con LR 240.
- As to whether an agreement is regulated by the Damages-Based Agreements Regulations 2013/609: ***UK Trucks Claim Ltd v. Fiat Chrysler Automobiles N.V.*** [2019] CAT 26.

[Marion Smith QC](#), [John Denis-Smith](#), [David Sawtell](#), [Rebecca Drake](#)
[39 Essex Chambers](#) – [Construction Adjudication](#)