

## The Boys Are Back In Town

OCTOBER 15, 2024



There are a number of theories about the inspiration behind the lyrics to Thin Lizzy's 1976 hit, "[The Boys Are Back in Town](#)". One theory alleges that it's about a group of Manchester criminals collectively known as the Quality Street Gang. Although the theories haven't been verified, I think we can safely say that none of them envisage a couple of dispute resolvers announcing the return of a blog from their office on Tabernacle Street. Yet, here we are. It's been a while, nineteen months to be exact, but we're delighted that the MCMS Blog is back in town.

For the benefit of the new kids on the block (or rather, the new kids on the *blog*) who might not be familiar with our musings, from October 2008, we've been writing for the Practical Law Construction Blog before it sadly came to an end in March 2023. You can currently still access about 700 of our blogs from over the years on their website: [Jonathan Cope | Construction Blog](#) ([practicallaw.com](#)), [Matt Molloy | Construction Blog](#) ([practicallaw.com](#)). As we said in our last blog on 30<sup>th</sup> March 2023, we'd always hoped to be back and from now on the blogs will all be hosted on the MCMS website. As before, we anticipate that the blog will be published every two weeks, and we'll be sharing our thoughts on the latest cases and key industry topics, intertwined with the odd pun and superfluous song lyric for good measure.

### **So what have we been up to?**

Mostly relaxing with our feet up and recharging our proverbial batteries. Oh wait, no we haven't. As you may have seen from the odd LinkedIn post (thank you Cassie!), we've been writing our first book, *Adjudicating Construction and Engineering Disputes*. Turns out the path to publication requires months and months of meticulous planning, researching, fact checking, drafting, re-drafting, indexing, indexing again and again. However, the book was finally released last week and we're incredibly grateful for all your support and now really looking forward to getting the blog up and running again.

### **And what has been happening?**

Nineteen months is a long time in the world of dispute resolution, and so there's a fair amount for us to catch up on since last March. With that in mind, we thought it would be a good idea for the first few blogs to focus on looking back at some of the noteworthy cases and the main issues that have impacted the construction disputes landscape.

Here's a sneak peek at the topics that we're planning to discuss over the coming weeks (obviously subject to what catches our attention in the world of dispute resolution in the meantime):

**Clarity on the scope of defences in true value adjudications** - We'll be sharing our thoughts on

the current position regarding the scope of true value adjudications, and in particular what defences can be addressed.

**Serial Adjudications** - We'll be considering the prevalence of serial adjudications, the challenges they bring and our thoughts on current trends.

**Collateral Warranties** - In *Abbey Healthcare (Mill Hill) Limited v Simply Construct (UK) LLP*, the Supreme Court made its final ruling earlier this year which clarified that most collateral warranties do not constitute a construction contract for the purpose of determining a party's right to adjudicate under the Housing Grants, Construction and Regeneration Act 1996. We'll be sharing our experiences and thoughts of adjudication involving collateral warranties and what the effect the Supreme Court's ruling may have.

**Churchill v Merthyr Tydfil County Borough Council** - Following the Court of Appeal's Judgment confirming the Court can make an order for parties to engage in alternative dispute resolution and/or stay proceedings to allow for ADR to take place, we'll be sharing our thoughts on what the future holds for ADR processes in the UK going forward.

That's all (for now), folks. Stay tuned, and we'll look forward to hearing your views and comments on our upcoming blogs.

**Jonathan and Matt**



**JONATHAN COPE**