

September 13, 2025

RNJM Ltd v Purpose Social Homes Ltd [2025] EWHC 2224 (TCC): Crying Wolf on Conflicts Kills Jurisdiction

[RNJM Limited v Purpose Social Homes Ltd \[2025\] EWHC 2224 \(TCC\)](#)

Date: 27 August 2025

Judge: Her Honour Judge Kelly sitting as a Judge of the High Court

Key Words:

Adjudication Enforcement, Jurisdiction Challenge, Conflict of Interest, Adjudicator Nomination Process, False Statement / Misrepresentation, Fraudulent Representation, Reckless Statement, Honest Belief, Eurocom v Siemens [2014], Nullity of Appointment, Unenforceable Decision, Summary Judgment, Real Prospect of Success, Apparent Bias, RICS Guidance, Duty of Honesty / Transparency, Evidence Inadequacy, Security for Fees, Stay of Execution, Insolvency Risk

Summary

The Claimant sought summary judgment to enforce an adjudicator's £132,884.72 award [1]. The Defendant resisted on jurisdiction: a "false or reckless" conflict statement to RICS allegedly rendered the appointment a nullity [2]. Failing that, it sought a stay [2]. The court dismissed enforcement: the Defendant had a realistic prospect on lack of jurisdiction because the Claimant made a false conflict statement on the RICS form [60].

Key Themes:

1. **Adjudication Enforcement and Jurisdictional Challenges:** Enforcement vs jurisdictional defence [1-2, 8, 30-32, 48-62].
2. **False Representation and Conflict of Interest:** Alleged deliberate/reckless false conflict regarding Mr Bunker on RICS nomination [2, 8(a), 20, 23-27, 30-33, 34-47, 48-60].
3. **Integrity of the Nomination Process:** Truthful, complete conflict disclosures; misrepresentation voids the process [8(a), 24-25, 30-33, 41-42, 52-59].
4. **Evidentiary Scrutiny:** Adequacy/credibility of evidence, especially Claimant's explanations [3, 10-13, 44-47, 48-59].
5. **Summary Judgment Test:** The application of the CPR 24.3 test, requiring a "real prospect of succeeding" for a defence against summary judgment, is a significant aspect of the analysis [4-6, 38, 60-62].

Background

JCT Minor Works 2016 for Harrogate apartments; clause 7.2 adjudication [14]. This was the fifth 2024 adjudication [15].

1. **First Adjudication:** Abandoned after Claimant failed to provide security; adjudicator resigned [16]. Claimant had sought an adjudicator not requiring security/on-account fees [17].
2. **Second to Fourth:** Mr Bunker appointed [18].
 1. Second: For Claimant; Defendant paid costs to Claimant [19].
 2. Third/Fourth: Against Claimant; Claimant to pay costs immediately [20].
 3. Non-payment: Bunker chased both parties; threatened proceedings [21].
 4. Payment: Defendant paid Bunker's fees on 5 Nov 2024 [22].
3. **Fifth (this case):**
 1. On 7 November 2024, the Claimant commenced the fifth adjudication [23].
 2. In the RICS application form for an adjudicator, Mr Birchall, representing the Claimant, **stated a conflict of interest** with Mr Bunker, giving the reason "Dispute over payment with Referring Party". The RICS guidance on the form explicitly warned that misrepresentation in this statement could void the process [24-25].
 3. The Defendant's solicitors challenged this assertion, but the Claimant did not respond or provide an explanation [26].
 4. RICS appointed a different adjudicator, Mr Wood, whose decision to award damages to the Claimant is the subject of these enforcement proceedings [27].
 5. Throughout the fifth adjudication and even after Mr Wood's decision, the Claimant **repeatedly failed to particularise** how or why a conflict with Mr Bunker was said to have arisen, only providing limited explanation in later witness statements [29].

Legal Issues and Analysis

The court focused on two main legal issues: the test for summary judgment and the jurisdictional challenge based on alleged false representation.

A. The Test for Summary Judgment (CPR 24.3)

1. Court may grant if "no real prospect" and no other compelling reason for trial [4].
2. Respondent must show a real (not fanciful) prospect; defence needs conviction, more than arguable [5].
3. No mini-trial; court can assess all evidence and reject implausible claims [6].

B. Jurisdictional Challenge based on False Representation

1. **Principles [8]:** From *Eurocom*—false conflict representation to ANB invalidates adjudication; whether ANB was deceived is irrelevant; only clear conflicts should be notified; materially incomplete statements can be misrepresentations; fraud requires knowing/reckless falsity, with honest belief negating fraud.
2. **Claimant's Representation to RICS [23, 33]:** "Dispute over payment with Referring Party" re Bunker; no further detail.
3. **Analysis of Falsity and Recklessness [34-47]:**
 1. Claimant: "genuine belief" in potential conflict/apparent bias; thought RICS would disregard if invalid.

2. Defendant: no dispute with Bunker—Claimant just didn't pay; Defendant paid before the fifth adjudication; belief not honest/reckless.

4. Court's Findings [48-60]:

1. Evidence "wholly inadequate" to show a dispute [48-49].
2. No challenge to Bunker's entitlement; just non-payment [50].
3. After Defendant paid, no fee dispute remained; payer irrelevant to Bunker [51].
4. "Concern" over bias was a bald, unjustified assertion; no detail of circumstances, inputs, or advice [52, 54-55].
5. "Genuine belief" ignored serious voiding consequences flagged by RICS/Eurocom; assumption RICS would disregard was "surprising" [53, 56-57].
6. Repeated failure to answer legitimate questions was "telling" [59].

5. **Implied Term and Stay of Execution [61]:** Raised but unnecessary given jurisdiction finding

Conclusion

Summary judgment refused. Defendant showed a realistic prospect that Mr Wood lacked jurisdiction because the Claimant made a false conflict statement on the RICS form; Claimant's evidential basis was inadequate, implying absence of honest belief or recklessness [48-59, 60-62].

Key Takeaway:

Integrity in conflict disclosures is paramount: false/reckless/unsubstantiated conflict statements can invalidate adjudication and make decisions unenforceable, regardless of whether the nominating body was misled; courts will scrutinise and reject enforcement where evidence is lacking [2, 8(a)-(d), 8(h)-(i), 23-24, 30-32, 35-38, 48-59, 60].

Parting Thoughts

So, what have we learned? If you're going to wave around the words conflict of interest like a toddler with a lightsaber, you'd better be able to switch the thing on. Here, the Claimant scribbled "Dispute over payment with Referring Party" on the RICS form and thought that was job done. It wasn't. The court looked at this "conflict" and found less substance than a decaf espresso.

The law, thanks to Eurocom v Siemens, is brutally clear: make a false or reckless claim about conflicts and the whole adjudication collapses faster than a badly built garden shed. It doesn't matter if RICS was fooled or not—the mere act of fibbing detonates jurisdiction at the root.

The judgment is, in its essence, a warning: the integrity of the nomination process is sacred. Flimsy excuses, vague fears of bias, or wishful thinking dressed up as legal argument won't cut it. If you want to exclude an adjudicator, you need clear, defensible evidence, not a half-hearted whinge. Fail to do so and your shiny adjudicator's award will vanish into unenforceable oblivion.

In short: adjudication is meant to be quick and decisive, not an exercise in creative writing. If you're going to play the conflict card, play it properly—or don't bother turning up at the table.

Mark a conflict box without evidence and you don't just lose the adjudicator — you lose the whole game.

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Authorities

Case Law:

Jurisdictional Challenge and Adjudication Validity

- **Eurocom v Siemens** [\[2014\] EWHC 3710](#) and **EWHC 685 (TCC)** — False conflict representation voids appointment/decision; ANB deception irrelevant; notify only clear conflicts; materially incomplete statements may be misrepresentations; RICS form warns misrepresentation can void process [2], [7(a)], [8(a)–(d)], [24], [35]–[38], [53], [57], [59]–[60].
- **Derry v Peek** [1889] 14 APP Cas 337 — Fraud: false representation made knowingly, without belief in truth, or recklessly; honest belief negates fraud [7(c)], [8(h)–(i)].
- **Amec v Whitefriars** [\[2004\] EWCA Civ 1418](#) — Re-referral to same adjudicator after a successful jurisdiction challenge does not itself create apparent bias [7(f)], [8(f)].

Summary Judgment Test

- **Swain v Hillman** [\[2001\] 1 All ER 91](#) — Real (not fanciful) prospect required [5].
- **ED&F Man Liquid Products v Patel** [\[2003\] EWCA Civ 472](#) — Defence must have some conviction; more than merely arguable [5].

Apparent Bias

- **Magill v Porter** [\[2001\] UKHL 67](#) — Fair-minded and informed observer test [7(b)], [8(e)].

Stay of Execution and Unreasonable Behaviour in Adjudication

- **Edmund Nuttall Ltd v R G Carter Ltd** [\[2002\] EWHC 400 \(TCC\) \(21 March 2002\)](#) — Non-payment of adjudicator's fees is unreasonable/oppressive; fee allocation decisions are final [7(g)], [8(g)].
- **Lanes Group Plc v Galliford Try Infrastructure Ltd (t/a Galliford Try Rail)** [\[2011\] EWCA Civ 1617](#) — Principles for stays, incl. special circumstances and temporary nature of results [7(g)], [9].
- **Jacobs UK Ltd v Skansa Construction UK Ltd** [\[2017\] EWHC 2395 \(TCC\)](#) — Stays principles reference [7(i)], [9].
- **Wimbledon v Vago** [\[2005\] EWHC 1086 \(TCC\)](#) — Stays; claimant's financial position and impact of non-payment [7(j)], [9].
- **Gosvenor London Ltd v Aygun Aluminium UK Ltd** [\[2018\] 227 \(TCC\)](#) — Stays principles reference [7(k)], [9].
- **A & V Building Solutions Limited v J & B Hopkins Ltd** [\[2024\] EWHC 2295 \(TCC\)](#) — Stays principles reference [7(l)], [9].

General References

- **Linnett v Halliwell LLP** [\[2009\] EWHC 319 \(TCC\)](#) — Cited only [7(d)].
- **Dimmock v Hallett** (1866) LJJ 21 — Cited only [7(e)].

Legislation:

Civil Procedure Rules

- **Civil Procedure Rules (CPR) 24.3** — *Legal Point/Principle: This rule sets out the test for summary judgment, stating that the court may grant summary judgment against a Claimant or Defendant on the whole of a claim or on an issue if it considers that the party has no real prospect of succeeding on the claim, defence, or issue, and there is no other compelling reason why the case or issue should not be disposed of at a trial. This rule formed the fundamental basis for the Claimant's application and the Defendant's defence [4-6].*

Insolvency Legislation

- **Section 123 of the Insolvency Act 1986** — *Legal Point/Principle: This section is identified in the context of an application for a stay of execution, specifically as a condition where if a Claimant is in insolvent liquidation, a stay of execution of an adjudicator's award will usually be granted. The Act defines the circumstances under which a company is deemed unable to pay its debts. However, the court did not ultimately need to determine the application for a stay given its primary finding on the lack of jurisdiction [7(m), 9(d)-(e)].*

Legal Texts & Commentary:

- **Coulson on Construction Adjudication, 4th edition** — *Cited only [7(n)].*Top of FormBottom of Form

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CIC Adjudication Panel Member since 2010

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RIBA Adjudication Panel Member since 2018

RICS Adjudication Panel Member since 2006

TECSA Adjudication Panel Member since 2012

FIDIC Adjudication Panel Member since 2021

ICE Adjudication Panel Member since 2021

RICS Dispute Board Registered since 2013

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