



Hewitsons Construction LEGAL UPDATE

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Well, fancy that!



[Colin Jones](#)
Partner

Courts normally enforce adjudicators' decisions, even if they have been arrived at through a misunderstanding of the relevant law.

However, this is not always the case. For example, courts can reject an adjudicator's decision if there is a question as to the existence of a contract on which that decision could be based.

This is what happened in the case of *Dacy v IDM Properties* (2016). The reasons are discussed in [this article](#).

Saga Cruises BDF Ltd v Fincantieri SpA [2016] EWHC 1875 (Comm)



[Sardeep Gill](#)
Trainee Solicitor

During a cruise ship's maiden cruise, some of its main engine oil coolers failed catastrophically. They had been significantly corroded, but this raised no red flags during the ship's refurbishment just weeks earlier.

The High Court held that the shipbuilder had failed in its duty to report to the ship owner anything material to the question of re-tubing the coolers. However, for other damages the shipbuilder was not held liable.

Further details of this case are discussed in [this article](#).

News about standard forms



[Tim Richards](#)
Partner

The Joint Contracts Tribunal (JCT) is amending its current suite of standard form documents. The 2016 Editions are being released on a suite-by-suite basis.

Tim Richards is speaking about these amendments in our series of [breakfast seminars](#).

Further details of the changes are given in [this article](#).

Consequences of producing or supplying dangerous products to consumers



[Lorna Carter](#)
Senior Associate

This issue has been cropping up lately for Hewitsons' construction team.

Those involved in the sale of goods, as well as those in the construction industry, will be familiar with the 'fitness for purpose' standard and the inability to contractually exclude liability for death or personal injury.

Perhaps less well known is the existence of separate legal obligations on those producing or distributing dangerous products to consumers.

[This article](#) discusses the consequences of producing or supplying dangerous products to consumers from a range of angles.

Can Adjudication costs now be recovered by way of the Late Payment of Commercial Debts (Interest) Act 1998 as amended by the Late Payment of Commercial Debts Regulations 2013?

For the last few years, following the Housing Grants, Construction and Regeneration Act 1996, the answer to this question was 'no'.

However, the 2013 amendment to the Act, along with the case of Lulu Construction Limited v Mulalley & Co Limited (2016), has thrown the cat amongst the pigeons.

These developments, which have led to parties requesting their own adjudication costs, are discussed in [this article](#) written by Charles McDermott.



This Bulletin is produced by Hewitsons for clients and contacts of the firm to provide them with a useful summary of recent cases, journal reports, developments in the law and dates to be aware of. It is not a definitive statement of the law in any area.

Advice should be sought from a solicitor in the Construction Team at Hewitsons in respect of any information contained in this bulletin that affects any matter with which you may be concerned.

Hewitsons offers a full Construction Law service which includes expertise in property acquisition and disposal, planning, construction, environmental issues, development and property management. This Bulletin will help to keep those involved in property up to date with the latest developments.

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[Cambridge, CB5 8EP.](#)

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