



Hewitsons Construction LEGAL UPDATE

July 2017

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Free advice can be costly



[Colin Jones](#)
Partner

A recent case is a salutary reminder to take care about what you talk about and what you agree to do over drinks at a summer party!

In [Basia Lejonvarn v Peter and Lynn Burgess \(2017\)](#) an architect who provided friends with some freebie advice ended up on the receiving end of a claim for negligence. It was found that despite the absence of a contractual relationship, the advice had not been given with the requisite duty of care. Details are discussed in [this article](#).

Pay Less Notices continued



[Emily Ray](#)
Trainee Solicitor

O'Farrell J sitting in the Technology and Construction Court has considered a further case on the contentious issue of pay less notices. The case reinforces the line which the Court has been taking for some time. The article gives more information, please [click here](#) to read it.

Practically complete?



[Tim Richards](#)
Partner

HHJ Stephen Davies dealt with an interesting and what would seem tenuous argument in the case of GB Building Solutions Ltd v SFS Fire Services Limited (2017). GB Building Solutions was the main contractor on the building of an office development in Manchester and SFS were the sub-contractors designing and installing a fire prevention sprinkler system. A flood broke out over the Christmas holidays in 2009 and GB Building Solutions brought proceedings against SFS, arguing that the flood was a result of negligence on the part of SFS.

SFS disagreed with the claim and argued that it should be barred at any rate due to the fact that, under the contract, they were co-insured up until practical completion which had not taken place at the time of the flood. However the Judge disagreed with SFS and held that practical completion had taken place. SFS had issued a notice of completion in accordance with the contract in October 2009 and had resent it in December 2009 with supporting documents. The Judge was therefore (it would seem unsurprisingly) unconvinced by SFS' claim that in reality practical completion had not taken place, stating that the contract gave a process for practical completion in order to create certainty. As a result of this, GB Building Services were able to continue with their claim against SFS for negligence.

Rare NEC case



[Lorna Carter](#)
Senior Associate

A relatively rare NEC case was considered recently by the Court of Session in Scotland with consideration being given to the use of Option M. More information can be found in the article [here](#).

Court encourages timely arguments to be presented and deals with rare subcontract negligence issue



Charles McDermott
Solicitor

The Courts do not often deal with claims for contributory negligence against a main contractor for its subcontractor's alleged negligence (as opposed to breach of contract). The Court did so in the case of Willmott Dixon Construction Ltd v Robert West Consulting (2016) and also looked at the question of whether amendments sought to a party's case close to trial would be permitted - irrespective of the merits of the arguments presented. For more read the article on our website [here](#).

Construction Breakfast Seminar - Milton Keynes - 3rd October 2017



Hewitsons will be hosting a Construction breakfast seminar in Milton Keynes on the 3rd October 2017.

Our highly rated Construction Team will cover topics including, construction contract payment notices, the new amendments to the JCT contracts and the Court's Pre Action Protocol for Construction Disputes.

Registration for the seminar begins at 7.30am with a light breakfast before presentations start at 8.00am, ending after a Q&A section at 9.30am.

If you are interested in reserving a space on this seminar then please contact us by [clicking here](#).

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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Reg No: OC334689