

CONSTRUCTION NEWS *update*

FROM HARD HATS... *to block of flats*

The Collyer Bristow LLP review of construction law

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How not to draft a pay when paid clause - William Hare Ltd. -v- Shepherd Construction Ltd. And C R Reynolds (Construction) Ltd. -v- Shepherd Construction Ltd. (2010) EWCA CIV283: A recent decision of the Court of Appeal underlines the importance of keeping up-to-date with legislative changes. In this case, failure to do so had costly consequences for the contractor. [More...](#)

E-Disclosure – The New Draft ESI Questionnaire: Getting the disclosure of ESI (Electronically Stored Information) wrong can be calamitous. [More...](#)

Do Black Holes Exist? Not in Scotland - Collateral Warranties, Net Contribution Clauses and Joint and Several Liability: Despite the ubiquity of collateral warranties, very few cases have come to court which deal with collateral warranties and how they work. [More...](#)

Will the Construction Act ever be amended? Consultations on Consequential Amendments to the Scheme for Construction Contracts: The Housing Grants Construction and Regeneration Act 1996 (the Act) cannot be amended until the Scheme for Construction Contracts is also amended so that they work together. [More...](#)

TCC defends the right to adjudicate at any time by disempowering the "Tolent Clause": In the recent case of Yuanda (UK) Co Ltd -v- WW Gear Construction Ltd, the Honourable Mr Justice Edwards Stuart struck his pen through the many "Tolent Clauses" included in construction contracts. [More...](#)

What is a substantial remedy? - Contractual provisions for interest on late payments: The Yuanda case also examined the meaning of the term "substantial remedy" for the purpose of Late Payment of Commercial Debts Act [1998]. [More...](#)

A Neat Solution to a Knotty Problem - What to do when the Adjudicator makes a mistake: The Court has recently reconsidered the options open to parties when an Adjudicator has made a mistake and the decision is a breath of fresh air. [More...](#)

Act to simplify direct claims against liability insurers stalls yet again: In June 2009 we wrote about proposals to

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If you would like any further information on any of the topics discussed in this newsletter, please get in touch with the author listed at the end of the article or your usual contact at Collyer Bristow.

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reform the Third Parties Rights Against Insurers Act which allows Claimants to make claims directly against an insurer where the insured entity has become insolvent. [More...](#)

Volcanic Ash and Strikes - Travel Disruption and Employment Issues in the Work Place: Although the latest information received from the Icelandic Meteorological Office indicates that no ash is being emitted at the moment, it is typical for a volcano to have several 'pauses' as part of its overall eruption phase and it is likely that there will be further travel disruption in the months to come. [More...](#)