

Construction Newsletter – Issue 32

The latest edition of our Construction Newsletter features yesterday's decision of the Court of Appeal in *North Midland Building Limited v Cyden Homes Limited* in which Mr Justice Fraser's first instance judgment that contracting parties may effectively allocate the risk of concurrent delay to the contractor was robustly upheld. You can view the newsletter [here](#).

The newsletter also comments on other recent cases:

In *BDW v Integral Technique*, Judge Stephen Davies KC gave valuable guidance on questions relating to the duty of care owed by a geotechnical engineer to its client, the purchaser of development land.

In *Camway Contracts Ltd v Chapman Lang Ltd*, Mr Justice Stuart Smith reviewed a defence of set-off of a liquidated damages claim to an adjudication in which the Referring party claimed for non-payment of VAT. The Judge held that the adjudicator had the jurisdiction to consider this defence, and should have done so.

In *Beach Homes v Hazell*, Jonathan Acton Davies KC considered the development of case law on the validity of adjudication clauses in residential construction clauses, with the consequence that adjudication clauses in consumer construction clauses are likely to be generally upheld.