



N A B A R R O  
CLARITY MATTERS

## Keeping you up to date

### Construction newsletter

May 2009

---

Construction has always been a sound barometer of performance of the UK economy.

After a sustained period of growth the domestic and global credit crunch has had a drastic effect upon the order books and potential for new business for players involved in domestic and international construction and engineering.

Consistent with the appetite for maintaining existing customer relationships and seeking out new clients in existing and traditional areas of business there is increased awareness of issues relating to procurement and performance under building and engineering contracts and professional service appointments.

This newsletter gives a snapshot of topics that may be of interest to those involved in the procurement industry whether in development, engineering, domestic or international business.

I hope that the topics selected will be of interest and assist your awareness and management of some of the contractual challenges and opportunities which you may face in the construction and engineering world in the new order.

Terry Fleet, Partner T +44 (0)20 7524 6172 [t.fleet@nabarro.com](mailto:t.fleet@nabarro.com)

---

#### LEGAL ALERTS

##### **JCT – BUILDING A SUSTAINABLE FUTURE TOGETHER BY PENNY MOORE**

A review of the conclusions of the JCT guidance note on sustainability issues and the approach taken in drafting the new JCT sustainability provisions, due for publication this month. [Read more>>](#)

##### **KEEPING IT SIMPLE BY ROBERT BLUNDELL**

Could the NEC3 form of contract change the role of the construction lawyer? If you follow these guidelines you may find less need for heavy amendment of the contract, but there are pitfalls to be wary of. [Read more>>](#)

##### **INSOLVENCY AND TERMINATION BY ALISTAIR MCGRIGOR**

How best to deal with the insolvency of a main contractor, a client's rights to terminate the building contract for contractor insolvency, and the key issues to consider when doing so. [Read more>>](#)



N A B A R R O  
CLARITY MATTERS

**PRE-ACTION CONDUCT: PROCEDURAL OR PRACTICAL BY MATTHEW TAYLOR**

What is required of parties by the Pre-Action Protocol for Construction and Engineering Disputes ("Protocol") before a claim can be issued in court and is compliance purely a procedural step or is it a practical aid to parties in resolving disputes. [Read more>>](#)

**THE EUROPEAN UNION SHOWS SOME INTEREST IN LATE PAYMENTS BY IAN RADFORD**

In the current economic climate, late payments are likely to be a recurrent issue. The European Union has issued proposals for a new Directive seeking to combat the problem, in particular where payments are due from public authorities. [Read more>>](#)

**PROCUREMENT OF INFRASTRUCTURE BY EMERSON HOLMES**

Throughout the World governments are spending significant amounts of money on infrastructure. A recent case from the High Court in Northern Ireland provides public authorities with useful guidance on how they must go about procuring infrastructure. Reference is also made to the work at the United Nations involving the UNCITRAL Model Law on Procurement of Goods, Construction and Services. [Read more>>](#)

---

**FURTHER INFORMATION**

For more information about our Construction practice please click [here](#) to visit our website.

---

**QUESTIONS AND FEEDBACK**

We welcome your views; please email us at [constructionnewsletter@nabarro.com](mailto:constructionnewsletter@nabarro.com). If you have any questions or feedback on this newsletter.

---

**CONTACT**

Penny Moore, Partner

T +44 (0)20 7524 6217 [p.moore@nabarro.com](mailto:p.moore@nabarro.com)



**N A B A R R O**  
CLARITY MATTERS

---

**London**

Lacon House, 84 Theobald's Road,  
London WC1X 8RW  
**T** +44 (0)20 7524 6000  
**F** +44 (0)20 7524 6524

**Sheffield**

1 South Quay, Victoria Quays,  
Sheffield S2 5SY  
**T** +44 (0)114 279 4000  
**F** +44 (0)114 278 6123

**Brussels**

209A Avenue Louise,  
1050 Brussels, Belgium  
**T** +32 2 626 0740  
**F** +32 2 626 0749

Alliance firms:

**France** August & Debouzy  
Gilles August  
**T** +33 (0)1 45 61 51 80  
[www.august-debouzy.com](http://www.august-debouzy.com)

**Germany** GSK Stockmann & Kollegen  
Rainer Stockmann  
**T** +49 (30) 20 39 07 - 0  
[www.gsk.de](http://www.gsk.de)

**Italy** Nunziant Magrone  
Gianmatteo Nunziant  
**T** +39 06 695181  
[www.nunziantemagrone.it](http://www.nunziantemagrone.it)

**Spain** Rodés & Sala  
Gonzalo Rodés  
**T** +34 932 413 740  
[www.rodessysala.com](http://www.rodessysala.com)

**Nabarro LLP**

Registered office: Lacon House, 84 Theobald's Road, London, WC1X 8RW.

Nabarro LLP is a limited liability partnership registered in England and Wales (registered number OC334031) and is regulated by the Solicitors Regulation Authority. A list of members of Nabarro LLP is open to inspection at the registered office. The term partner is used to refer to a member of Nabarro LLP.

**Disclaimer**

Detailed specialist advice should be obtained before taking or refraining from any action as a result of the comments made in this publication, which are only intended as a brief introduction to the particular subject. This information is correct on the date of publication. We cannot be responsible for links to external websites that may become broken in the future.

© Nabarro LLP 2009