

Liabilities of Construction Professionals

**Adrian Williamson QC
Keating Chambers**

Scope of Duty to Client

- Design
- Supervision/Inspection
- Advice

Design

- Cunningham v Collett

£260k of Provisional sums not breach of duty

Inspection

- McGlinn v Waltham (No.3)
 - Some inspection is required!
- Hart v Fidler
 - Need to be aware of danger

Advice

- **Cunningham v Collett**
 - Consideration of correct contract.

Duties to Third Parties

- Baxall v Sheard
 - Intermediate inspection negates duty of care

But

- Pearson Education v Charter
 - Severe undermining of Baxall

Causation

- A stiffer test?
 - Mirant Asia-Pacific v Ove Arup
- Relevance of insurance cases re effective cause etc.
 - Yorkshire Dale
- Relevance of Galoo v Bright

Damage and Damages

- Great Ormond St principle
- Inroads
 - Skandia v Thames Water
- Now undermined
 - McGlinn

Limitation

- Section 14A: Harris Springs
- Continuing duty: OAP