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