



November 2023

Construction newsletter

Introduction

Welcome to the latest edition of Cornerstone, our newsletter for the construction sector.

As like many of you I'm sure, the last year has been incredibly busy for the team and I'm pleased to bring you a selection of important updates to be aware of, including an article by [Sara-Michelle Colvin](#) and [Sacha Wooldridge](#) on changes for the recruitment of international workers in the construction industry.

In this edition we also have commentary on several recent cases and explore what the outcomes could mean for the sector, including an article by [John Fawcett](#) on the as yet unreported case of *Providence Building Services Limited v Hexagon Housing Association Limited* in which the judge provides useful guidance on the right to terminate for repeated breach, together with articles from [Nicole Clifford](#), [Kira Sharp](#) and [John Fawcett](#) on matters related to payment and the enforcement of adjudicator's decisions.

Finally, thank you to those of you who joined us for the last in our webinar series for this year where we gave an update on the Building Safety Act, discussed other notable cases and were joined by [Sacha Wooldridge](#) who spoke in more detail on the subject of

immigration law for the sector. If you missed the webinar you can catch up [here](#). Otherwise, please look out for details of our forthcoming events which will be released soon.

Merry Christmas and best wishes for 2024.



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Featured articles

JCT termination rights – repeated breach and termination

[John Fawcett](#) explores the recent, thus-far unreported case of *Providence Building Services Limited v Hexagon Housing Association Limited*. The TCC gave useful guidance on the operation of the termination provisions of the JCT Design & Build Contract 2016.



[Read more](#) →



Delaying the inevitable? Is there any point resisting enforcement of an adjudicator's decision?

[John Fawcett](#) examines the recent case of *Bexhill Construction Ltd v Kingsmead Homes Ltd*.

[Read more](#) →

Invoicing gone wrong - am I still entitled to payment?

[Nicole Clifford](#) looks at a case where the payee invoiced less than the sums agreed as payable in the contract. The question for the court: should the payer be made to pay the difference, or are they only required to pay what they were invoiced for?

[Read more →](#)



Can a termination notice put you in breach of contract?

[Kira Sharp](#) explains the importance of understanding the exact termination procedures of a construction contract.

[Read more →](#)

Can payment under a construction contract be linked to a VAT invoice?

[John Fawcett](#) shares useful guidance on whether the Final Date for Payment can be linked to the provision of a valid VAT invoice.

[Read more →](#)





Immigration law changes for the recruitment of international workers in the construction industry

[Sara-Michelle Colvin](#) and [Sacha Wooldridge](#) provide an update for the construction sector on recent changes to immigration rules.

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