



Spring 2024

Construction newsletter

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## Introduction

Welcome to the spring 2024 edition of Cornerstone. Following on swiftly from the great success of our recent spring webinar, I would firstly like to extend a big “thank you” to those of you who were able to join us. [Catherine](#), [John](#), [Kira](#), and our special guest speaker hope you all enjoyed the session which saw some very interesting topics discussed. If you were unable to make the event itself and would like to view a recording of the session, it is available [here](#). Do look out for details of our summer webinar which will be taking place on 19 June, which will be available to book shortly.

In the meantime, it has been a busy year for the courts so far, with several key decisions

already handed down. Firstly, [Lauren Barden-Williams](#) and I discuss the case of *WOL (London) LLP v Croydon Investments Ltd and others* [2024] EWHC 251 (TCC) which highlights the importance of construction clauses in key transaction documentation. [Sophie Thornley](#) reminds us of the need to get the 'Deed' done. [John Fawcett](#) and [Steven Williams](#) consider the scope of a contractor's duty of care, following the Supreme Court decision in *Paul & Anor v Royal Wolverhampton NHS Trust* [2024] UKSC 1.

[John](#) also takes us through the decisions in the cases of *CLS Civil Engineering Ltd v WJG Evans and Sons* [2024] EWHC 194 (TCC) which provides a useful reminder of the dangers of proceeding with works under a letter of intent, and *Bellway Homes Limited v Surgo Construction* which confirms that an adjudicator can have jurisdiction to determine the sum due to a party on either a technical or true value basis within the same adjudication.

Finally, [John](#) and I consider the practical effect of Ofcom's consultation into a reduced postal service.

As always, I hope you find the articles useful and informative. However, should you have any queries in relation to any of the topics discussed in this edition of Cornerstone please contact a member of the team, who are always available to provide further advice and assistance.



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## Featured articles



### **Sale and Purchase Agreements – why construction clauses matter**

[Katrina Bretten](#) and [Lauren Barden-Williams](#) explore the recent case of *WOL (London) LLP v Croydon Investments Ltd and others* [2024] EWHC 251 (TCC).

[Read more →](#)

### Is the Deed 'done'?

[Sophie Thornley](#) discusses how deeds are often the contract of choice for the construction industry, having the effect of extending the liability period to 12 years, as well as ensuring enforceability where no consideration is given.



[Read more](#) →



### Do contractors owe a duty of care to employers?

[John Fawcett](#) explores two paragraphs buried amongst a 256-page Supreme Court judgment that may indicate a change in the Court's approach to whether a contractor owes a duty of care to its employer alongside its contractual obligations.

[Read more](#) →

### Beware the Letter of Intent!

A recent judgment handed down by the TCC confirms what might be known to many – proceed on a Letter of Intent at your peril! [John Fawcett](#) explains.



[Read more](#) →



## Ofcom consults on changes to the universal postal system

[John Fawcett](#) explores how the outcome of the Ofcom [consultation in to the future of the universal postal service](#) could create contractual awkwardness for the construction industry.

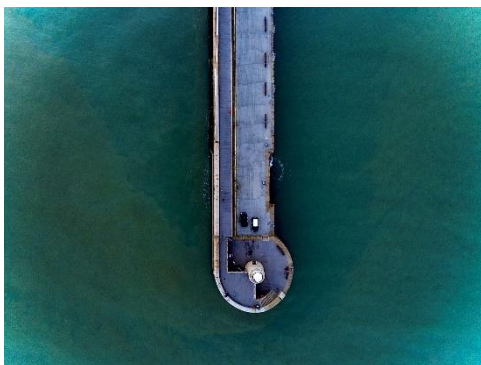
[Read more →](#)

## The case of *Bellway Homes Limited v Surgo Construction*

Following a judgment handed down, the TCC has confirmed that an adjudicator can have jurisdiction to determine the sum due to a party on *either* a technical *or* true value basis within the same adjudication.



[Read more →](#)



## Adjudicator's jurisdiction: where does England end?

We discuss this unusual question that HHJ Stephen Davies recently asked himself when confronted with a jurisdictional challenge to the enforcement of an Adjudicator's decision in the case of [Van Elle Ltd v Keynvor Morlift Ltd \[2023\] EWHC 3137 \(TCC\)](#).

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