

FROM THE EDITOR

Welcome to the 25th issue of BuildLaw® in which we draw on the experience and knowledge of leading experts to bring you commentary, articles and reviews on topical matters relating to Construction Law.

In this issue we feature "The Penalties Doctrine in International Construction Contracting: Where to from here?" – a paper delivered by Professor Doug Jones AO to the Society of Construction Law New Zealand Inc. in August of this year. We also feature a series of articles relating to delay, including causation, concurrent delay, extensions of time, time at large, and prolongation. We also present articles on settlement agreements and the right to adjudicate, payment claims vs counterclaims in the context of the construction Contracts Act 2002, proposed security of payment legislation for Hong Kong; and more.

In "Case in Brief", Sarah Redding looks at the recent case of Clark v Central Lakes Homes Limited in which Mander J upheld the adjudicator's determination that monies were payable by Clark to Central Lakes Homes under s48(1)(a) of the Construction Contracts Act 2002 and the enforceability of that determination as a debt due under section 59. The article by Tim Gould in relation to the recent UK case of J Murphy & Sons Ltd v W Maher and Sons Ltd is also apposite, although in that case the Judge "helpfully" followed the decision in Fiona Trust in relation to the "archaic distinction" between the drafting terms: "under", "out of", and "in connection with".

I wish to take this opportunity to thank all our contributors. We are most grateful for the support we receive from dispute resolution professionals, law firms, and publishers, locally and overseas, that allows us to share with you papers and articles of a world class standard, and to bring you a broad perspective on the law and evolving trends in the delivery and practice of domestic and international dispute resolution and construction law.

Contributions of articles, papers and commentary for future issues of BuildLaw® are always welcome. I do hope you find this issue interesting and useful. Please feel free to distribute BuildLaw® to your friends and colleagues – they are most welcome to contact us if they wish to receive our publications directly.



Editor and Director Building Disputes Tribunal



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