

# FROM THE EDITOR

Welcome to the 29th issue of BuildLaw® in which we draw on the experience and expertise of leading experts in the field to bring you commentary, articles and reviews on topical matters relating to construction law.

In this issue we feature some of the challenges that are the hallmark of oral construction contracts. We also look at whether a duty of good faith applies to granting extensions of time, how final and binding is an expert determination, how not to amend NEC contracts, and the recent UK Supreme Court decision in which the Court upheld an appeal in the MT Højgaard litigation restoring the TCC's original decision and finding the contractor liable to comply with a fitness for purpose type obligation contained in a technical schedule despite obligations elsewhere in the contract to exercise reasonable skill and care and to comply with an international standard.

In 'Case in Brief' Sarah Shaul and Simon Hart from RPC discuss the recent UK High Court decision in Erith Holdings Limited v Murphy ([2017] EWHC 1364 (TCC)) in which Court held that an oral contract for waste removal services had been entered into by a company and not by the company's owner in his personal capacity. The case highlights how important it is that parties ensure that they understand who the parties are with whom they are contracting; as this case demonstrates, any misunderstanding in that regard can have significant adverse consequences.

I wish to take this opportunity to thank all our contributors. We are most grateful for the support we receive from dispute resolution professional, 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.

Warmest regards,



**Editor and Director Building Disputes Tribunal**



John Green

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