



# WELCOME TO CLARITY FOR CONSTRUCTION.

## Construction - July 2021

Whilst we are still dealing with the effects of the COVID 19 pandemic, one of the key issues facing the construction industry as we move towards a phase of business recovery is a shortage of materials. This is also hampered by the usual labour shortage, which are becoming even more problematic as a result of Brexit. Forward planning will be key to dealing with both of these issues going forward to prevent progress being affected.

Our bulletin includes some recent blogs relating to issues affecting the industry.

If you wish to discuss anything covered in this edition, please do not hesitate to contact me or one of our construction team. We also have a range of different feeing options available for adjudications, which include fixed fee options, depending on the nature of the adjudication.

### SANDRA CASSELS

Partner, Construction Litigation



#### INSIGHT

### The future of the Scottish real estate market

To wrap up our three-part 'Law and Borders' podcast series, we take a look into the future prospects of the commercial real estate market in Scotland.

[READ THE FULL ARTICLE](#) →



### How has the pandemic affected the Scottish planning system?

In our latest Law and Borders podcast with Estates Gazette, we delve into how Scottish planning has been affected over the past year.

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#### AWARENESS

### Can I include a pay when paid or pay when certified provision in my construction contract?

Pay when certified clauses are not allowed, and the release of retention cannot be prevented by conditions within another contract.

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#### INSIGHT

### How can the planning system tackle environmentally-sensitive developments?

With COP26 taking place in Glasgow later this year, and the latest Scottish National Planning Framework (NPF4) set to focus even more on the environment than in years gone by, many eyes are rightly cast on the environmental impact of planning decisions.

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## Success Fee Arrangements Q&A

We know that the potential costs of commercial litigation can be daunting. We've got a range of funding options that can help. Find out more about one of those options, Success Fee Arrangements, in a video Q&A session between commercial litigation partners Nicola Ross and Richard McMeeken.

For more information on the support that our litigators can provide for businesses, or to get in touch, read here: [Success Fee Arrangements](#)



### Challenges facing directors in the summer of 2021

The pandemic has created a chaotic business environment in which it is has at times been practically impossible to make any definitive plans. Lockdown measures have changed regularly, legislation has been introduced and extended and the possibilities for conducting business (when it is even able to trade) have varied across the UK and have at times been criticised by those most harshly effected as being arbitrary and unscientific.

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### SAAMCO: Abandoning "Information" and "Advice"

Much of my early career was taken up with arguing cases for professional negligence on behalf of banks and building societies against valuers on the basis of the House of Lords decision in *Banque Bruxelles Lambert SA v Eagle Star Insurance Co Ltd*; *South Australia Asset Management Corporation v York Montague* [1997] AC 191 ("SAAMCO").

[READ THE FULL ARTICLE](#) →

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