Working together to avoid disputes

Commercial law firm Beale & Company is calling for a review of the Construction Act to ensure more suppliers get paid on time, but says that businesses operating in the infrastructure sector are getting better at working collaboratively with one another.

Will Buckby, a partner at the firm which provides contractual advice and dispute resolution services to consultants and contractors, says that a culture of late payment in construction needs to change.

“We are continuously requested to advise on payment entitlements and hear about clients who are not paying suppliers in accordance with their contract,” he says. “We help those we work with to issue the correct documentation and notices, so they get paid properly and on time. We are aware that the Government is looking again at the Construction Act, which outlines the statutory payment regime to improve payment in this sector and which might not be as helpful as it was originally intended. We ask that the Government do this as quickly as possible.”

On the positive side, he adds, there is definitely more evidence of good collaboration going on in the sector such as with Network Rail’s alliancing agreements and Highways England’s new collaborative delivery framework. “We would certainly like to see more of these types of arrangements as these sorts of contracts often lead to a more efficient delivery and less disputes.”

Will Buckby also points out that construction and engineering law does not just involve resolving problems and disputes. Beale & Company also provides advice for clients on how best to reflect their commercial intentions in contractual documentation, so that a contractual framework is agreed between the parties for them to follow and successfully deliver the project without disagreement.

The firm, which has offices in London, Bristol, Dublin and Dubai, is busy with work, and future prospects are encouraging with promises of continued spending at the highest level. “The infrastructure sector in the UK is currently very buoyant, in part because Government has set infrastructure as a priority area for public spending, and money is filtering through several big ticket transport projects.”

And the introduction of more technology to transportation projects, such as with Smart Motorways, also means more contractual implications which need to be considered and agreed by all parties concerned, he adds.