

Law in Practice
The RIBA Legal Handbook
Second Edition



Why does an appointment need to be written? Why does language matter? What is a novation? What does an overall cap on liability mean and how can you convince a client to agree one? How do you assess an extension of time? When should you notify your insurer of a potential claim?

The second edition of *Law in Practice: The RIBA Legal Handbook* answers all of these questions and many more through clear, jargon-free professional guidance. Still addressing all the fundamental issues of contemporary English construction law, this new edition has been carefully updated to reflect recent legal developments and practical changes introduced by the RIBA Plan of Work 2013. Basic principles, high concepts and hard cases are worked through step-by-step as they arise throughout a project, with key legal mechanisms illustrated as simple line drawings.

Functioning both as a quick reference as well as an intelligent guide to complex issues, *Law in Practice* gives architects and Part 3 students alike the tools to work through issues of construction law for themselves, allowing them to make sound judgements, avoid disputes, and run projects on a safer basis.

"A wide spectrum of legislation and case law is covered succinctly and in a readily understandable manner. Although the book is aimed at architects, newly qualified lawyers and lawyers dealing with construction cases for the first time will find it a rich source of material and useful information."

► Karen Spencer – Partner, Gateley LLP

"This handbook cuts to the chase with perfect clarity. Wevill debunks the urban myths with aplomb – an essential resource for the smart professional."

► Philip Eyre – Partner, Glovers Solicitors LLP

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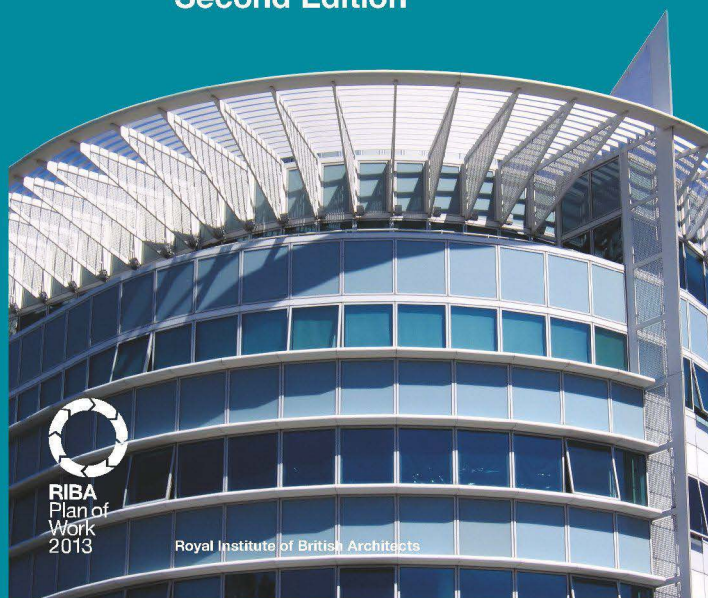
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Following the official guidance is not enough in itself to satisfy the architect's professional duty of care; if in any doubt about the nature, extent or content of the advice to be given to the client, take your own legal advice.

One word of caution; the architect may produce design documentation that is approved by the building control service, but the architect must still comply with the requirements of the Building Regulations themselves and not rely solely on this approval. There is an important potential advantage in using the services of a private building inspector rather than the local authority service; a private inspector is more readily accountable, must carry PII and will be liable to a claim for negligence in the event they approve drawings which are not in compliance with the Building Regulations.

An architect may also be required by a client to carry out a Fire Safety Risk Assessment – in relation to non-domestic premises – for the purposes of the Regulatory Reform (Fire Safety) Order 2005. The 2005 Order replaced most of the previous fire safety legislation, and obliges anyone who has 'some level of control' in relation to non-domestic premises to take reasonable steps to reduce the risk from fire and ensure safe means of escape in the event of a fire.

In relation to projects carried out in England only, on a single site, whose estimated cost is in excess of £300,000 plus VAT, a site waste management plan must be prepared in compliance with the Site Waste Management Plans Regulations 2008 before construction work begins. The 2008 Regulations are concerned with the management of waste generated by construction projects, the minimisation of such waste and the efficient and appropriate removal of any such waste through re-use, recycling or other disposal. An architect may well be expected to advise the client in relation to their obligations to appoint a principal contractor to prepare a site waste management plan – or that the client should take on the task of preparing the plan – and to advise in relation to the potential criminal penalties for failure to comply with the Regulations.

7.5.2 Tenders

Identifying the procurement route

By Stage 4 (or potentially much earlier) in order to obtain meaningful tenders, the procurement route and proposed form of building contract must have been defined. The most popular options are discussed below in broad terms. It should be borne in mind that there are many shades of difference between 'pure' traditional contracting, for example, and 'pure' design and build; and that the roles and responsibilities of the architect