

DO YOURSELVES A FAVOUR CONTRACTORS, GET IT IN WRITING



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Having recently won a contractual dispute as a Direct Public Access Barrister on behalf of a Contractor in a trial (of **Ekotherm Limited -v- Ambient Environmental Limited, C6QZ8308**) at the Royal Courts of Justice in an action that was hard fought over many years, I am reminded of the importance of having a robust written contract in place for construction projects before the work starts. The use of an appropriate standard form of construction contract or a bespoke contract with standard variation clauses would have avoided the need for a trial, cross examination of witnesses and the examination of evidence in correspondence to establish that oral variations had indeed been agreed by the Employer and that my Contractor client was entitled to be awarded the full amount claimed in the dispute, including sums claimed as variations to the contract. It goes without saying that Contractors would save themselves a lot of pain, time and money if they adopted the good sense of getting a robust written contract in place before starting the work. It is a false economy for Contractors to save and avoid the cost of getting legal advice and a proper contract drawn up before the work starts, instead of finding years later they have to rely on someone like me to try and persuade the court to find in their favour in recovery of the full amount claimed, after years of litigation. Do yourselves a favour Contractors, get it in writing before starting the work.

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