

W087 - Post-Construction Liability and Insurance



Our thanks to Jens Knocke, the W087 Secretary and known to all as the founding Coordinator who has compiled an up to the minute status report on the Commission.

Objective

The objective of CIB W087 is to advance the understanding of the liability of producers in the construction process for the quality of the building as delivered to the client. The studies include pertinent property and liability insurance arrangements.

Legal and regulatory environments during stages prior to delivery (completion) are relevant in so far as they have a bearing upon the post-delivery situation.

Part of this objective is to analyse of the impact upon the industry of different liability regimes.

History

CIB W087 was established during an ad hoc meeting hosted by the CSTC (Centre Scientifique et

Technique de la Construction) in Brussels in 1985.

CIB W087's first Plenary Meeting was held in April 1986 in Montreal, the second in London later the same year; since then Plenary Meetings have been held annually: in Copenhagen, Paris, Edinburgh, Lisbon, Las Palmas de Gran Canaria, London, Stockholm, Washington DC, Tokyo, Oslo, Paris and Uppsala (Sweden).

The first Coordinator was Jens Knocke of the National Swedish Institute for Building Research. His successor, as from November 1994, is Professor Anthony Lavers of the Centre for Real Estate Management in the School of Architecture at Oxford Brookes University.

Methodology

CIB W087 has agreed upon an orderly classification and definitions of the key concepts in post-construction liability. The work is carried out in English and, where possible, in French.

At annual meetings, members and invited experts present, compare and analyse additions to and developments of legal and regulatory post-construction national environments.

Summary of Findings

Producers' liability depends on jurisdiction, and in some countries more than one liability regime applies. Liability regimes and insurance arrangements vary in clarity from country to country.

Regimes continuously evolve; so far there is no clear trend towards harmonisation based on regional or developmental affinities.

The liability environment affects and sometimes even determines the role and use of building regulations, the parties' acceptance of innovation, their quality awareness, and other industry specifics, including financial mechanisms.

Publications and Contributions

- In September 1993, E&FN Spon, an imprint of Routledge, London, published POST-CONSTRUCTION LIABILITY AND INSURANCE edited by the former Coordinator (XXX+389 pp, ISBN 0-419-11430-0, GBP70.00).
- In March 1996 A MODEL POST-CONSTRUCTION LIABILITY AND INSURANCE SYSTEM, written by the former Co-ordinator in consultation with Mr. David Barclay and Professor Gerard Blachère, was published as CIB REPORT 192 (VI+36 pp, ISBN 90-803022-1-X, Euro 29.50).
- In April 1999 E&FN Spon published CASE STUDIES IN POST-CONSTRUCTION LIABILITY AND INSURANCE (XIX+323 pp, ISBN 0-419-24570-7, GBP60.00) edited by the Co-ordinator in collaboration with CIB TG15.

In November 1993, W087's Steering Committee submitted to the European Communities a response paper to the Commission's "Staff Discussion Paper: Possible Community Action with Regard to Liabilities and Guarantees in the Construction Sector". In collaboration with CIB Working Commission W092 "Procurement Systems", W087 contributed to the CIB Triennial Congress (1998) under the theme, Construction and the Environment.

Plans for the Future

CIB W087 will hold the next (fifteenth) Plenary Meeting in Sydney from 26th - 28th September 1999. Topics of immediate interest are:

- The relationship between Performance-Based Building Regulations and post-construction

liability cum insurance.

- The relationship between Maintenance and Use and post-construction liability cum insurance.
- The relationship between Quality Assurance and post-construction liability cum insurance.

Jens Knocke