



Construction and Building Safety Insight

A Brief Overview Vol.3

Welcome to the third edition of the Construction Special Interest Group's (SIG's) Brief Overview series, a round up of recent key events within the construction and building safety sectors.

Crest Nicholson Regeneration v Ardmore Construction Ltd (in administration) & Others [2026] EWHC 789 (TCC)

The TCC has recently handed down the most detailed and authoritative judgment to date on Building Liability Orders (BLOs) under sections 130-131 of the Building Safety Act 2022 (BSA), significantly strengthening claimants' enforcement tools in building defect cases.

[View judgment here](#)

Keoghs recently published a detailed article exploring the background and issues.

[View article](#)

We summarise the key takeaways as follows:

- ✔ **Anticipatory BLOs are permitted**
Courts may impose BLOs before liability is finally determined at trial, where it is just and equitable to do so.
- ✔ **Adjudication awards create "relevant liabilities"**
A binding adjudicator's decision, although interim, is sufficient to create a "relevant liability" under section 130 of the BSA.
- ✔ **Adjudication and BLOs operate together**
An adjudicator may have jurisdiction to determine a claim under the Defective Premises Act 1972 (DPA), enabling claimants to adjudicate against the contracting entity and then enforce the subsequent liability against an associated group company with a BLO.
- ✔ **Corporate restructuring and insolvency offer limited protection**
The judgment highlights that post-project restructuring designed to ringfence historic fire safety concerns will not prevent associated companies from being pursued for building safety defects.

Overall, this judgment underlines the courts' willingness to interpret the BSA in a manner which gives the Act 'real teeth' and supports Parliament's intention of holding to account those who are responsible for building safety defects. This very much reflects the policy-driven approach signalled by the Supreme Court in

[URS Corporation Ltd v BDW Trading Ltd](#)

[A case we reported on here](#)

In practical terms, the judgment will encourage claimants to use the adjudication and BLO regimes in tandem – a combination which is likely to prove extremely effective. This was foreshadowed by an earlier decision of the TCC which paved the way for claimants to use adjudication for DPA claims arising from historic building projects.

[BDW Trading Ltd v Ardmore Construction Ltd](#)

[Read our case write up here](#)

The latest decision takes things a step further by enabling claimants to enforce against asset holding group companies via the BLO route once a relevant liability has been established against the contracting entity using the fast-track adjudication process.

Insurers will therefore need to consider carefully the potential exposure of insured entities for liabilities of their associated companies and whether the policy is designed to respond to such liabilities.

Where there is a potential claim that may be subject to adjudication and/or BLO enforcement, it will be all the more important to investigate thoroughly at an early stage, so that appropriate strategies and reserves can be put in place.

New Legislation: The Building Safety (Wales) Bill Passed

We reported on this Bill previously as part of Vol. 1 of our Brief Overview series; the Bill was enacted on 10 March 2026. The new legislation, which was born out of the Grenfell Tower tragedy and follows on from the enactment of the BSA in England, applies to multi-occupancy buildings within Wales.

➤ Construction and Building Safety Insight vol 1

The core principles that underpin the legislation are reported in the following link and briefly outlined below:

➤ Building Safety (Wales) Bill

✔ Categories of Buildings:

Three categories of buildings. Category 1 covers buildings of at least 18 metres or seven storeys (in the same way the BSA provides). Categories 2 and 3 cover all other buildings, with different fire safety and structural safety requirements.

✔ Safety:

Fire risk assessments are required to be carried out only by competent persons, with criminal penalties for non-compliance.

✔ Accountability:

Defined allocation of legal responsibilities for those who manage buildings, introducing the roles of an “accountable person” (likely an owner or party responsible for repairing common parts of the building) and a “principal accountable person” (owner or party responsible for the external structure of the building).

✔ Resident voice:

Statutory right for occupants and leaseholder to obtain relevant building safety information held by an “accountable person”.

When is it reasonable not to mediate?

In April the TCC handed down a costs judgment following the dismissal of the claimant’s professional indemnity claim arising from a project for the design and construction of a container park near Felixstowe Port.

➤ View judgment here

The TCC held that neither a successful defendant’s refusal to mediate nor a last-minute change in its expert’s evidence warranted a departure from the usual order that it should be paid its costs of the litigation. In addition, the defendant had proposed other forms of Alternative Dispute Resolution (ADR) and made Calderbank settlement offers throughout the proceedings.

In these circumstances, the Court ruled against making an order for indemnity costs, and at paragraphs 9 (1)–(7) provided helpful guidance on the factors to consider when a party unreasonably fails to engage in ADR.

This case is a helpful reminder to litigants to think carefully about the most appropriate form of ADR, which is often fact specific. While mediation is very often appropriate, especially in multiparty, complex and high value construction and engineering disputes, this case provides a helpful reminder of the full range of options available and the benefits in making an early, well-pitched Part 36 or Calderbank Offer.

➤ View the main judgment here

The Renters’ Rights Act 2025 came into force on 1 May 2026

The Renters’ Rights Act 2025 (“the Act”) is an attempt to significantly reform the private rental sector and reshape the relationship between landlords and tenants, and will therefore have implications for insurers as well.

➤ Keoghs covered the key phases of this bill in an earlier article.

We also recommend reading this useful document produced by the Ministry of Housing, Communities & Local Government, which summarises the key changes.

➤ The Renters’ Rights Act Information Sheet 2026

The Act clearly provides greater emphasis on the standard of existing accommodation and a stringent timeframe to put right any remediation issue.

While remediation of defects is unlikely to be covered under most property policies, there may be an indirect ‘knock-on’ effect for insurers funding reinstatement works which will need to comply with this legislation, together with increased pressures on alternative accommodation.

The improvement of safety standards is to be welcomed from a risk perspective. However, the raising of the bar for relevant standards – coupled with the pressures on housing providers in maintaining properties and keeping abreast of these changes – could lead to an increased exposure for liability insurers.

Claims Inflation: Construction Costs on the Rise Once More

The implications of the current geo-political landscape have been widely reported and have consequences across almost all lines of insurance. One of those particularly vulnerable to global shocks is the construction sector, and there has been a sharp rise in the costs to repair or reinstate damage to insured property.

➤ This issue has recently prompted the Construction Leadership Council's Construction Supply Chain Group to speak out.

"One of the key challenges across the supply chain remains the lack of detailed explanation accompanying price increases, making it difficult to justify and communicate these costs to clients".

"Clearer evidence and transparency would be welcomed, even if the increases themselves are not".

No doubt those funding reinstatement works following insured claims would agree.

Building Safety Regulator Strategic Plan 2026-2027

Following its establishment as a standalone (non-departmental) regulator (as reported in the last update, Vol. 2), the Building Safety Regulator (BSR) recently published a policy paper setting out its strategic plan.

➤ Building Safety Regulator strategic plan 2026 to 2027

In summary, its key priorities are:

- ✓ Continuing to improve its operations and processes;
- ✓ Remediation;
- ✓ Building phase and gateway 3;
- ✓ Keeping the safety of people and the standard of buildings under review; and
- ✓ Improving professional standards across the industry.

We will continue to report on the progress of these objectives.

Members of the Construction SIG have experience of advising clients on a range of construction and building safety issues, such as those covered above. Should you require assistance or advice, please get in touch.



Edwin Millburn

Partner and Construction SIG Lead -
Property Risks & Coverage
E: emillburn@keoghs.co.uk



Sanjit Atkar

Associate - Property Risks & Coverage
E: satkar@keoghs.co.uk



Luke Ayres

Partner - Property Risks & Coverage
E: layres@keoghs.co.uk



Disclaimer and Copyright Notice

The contents of this document are considered accurate at the time of publication. Nothing in this document constitutes specific legal advice. You should always consult a suitably qualified solicitor about individual legal matters. Keoghs LLP accepts no liability for errors or omissions in this document. All rights reserved. This document and the information contained within it are provided for personal use only. No part may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical photocopying, microfilming, recording, scanning or otherwise for commercial purposes without the written permission of the copyright holder.

Keoghs LLP is a limited liability partnership registered in England and Wales (registered number OC 321124) which is authorised and regulated by the Solicitors Regulation Authority under SRA number 573546. All written communication, including requests pertaining to a list of names and our members for inspection should be sent to our head office, 2 The Parklands, Bolton, BL6 4SE. We use the word “partner” to refer to a member of the LLP. Keoghs LLP are a subsidiary of Davies Group Limited, registered office 5th Floor, 20 Gracechurch Street, London, England, EC3V 0BG.

Keoghs Scotland LLP is a limited liability partnership registered in Scotland (registered number SO305857) which is authorised and regulated by the Law Society of Scotland and trading from its registered office The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ. A full list of members is open for inspection at the registered office. All services in Northern Ireland are delivered under Keoghs Northern Ireland LLP; a limited liability partnership registered in Northern Ireland (registered number NC001575) which is authorised and regulated by the Law Society of Northern Ireland and trading from its registered office address, Keoghs Northern Ireland LLP, 7th Floor, City Exchange Belfast, 11-13 Gloucester Street, Belfast, BT1 4LS. Keoghs Ireland LLP is a limited liability partnership licensed and regulated in Ireland by the Law Society of Ireland (registration number 1262648) and operating from its trading office location of 15 Upper Fitzwilliam Street, Dublin 2, D02 AP96. A full list of the Partners of Keoghs Ireland LLP is displayed at the trading office. Keoghs Scotland LLP, Keoghs Northern Ireland LLP and Keoghs Ireland LLP utilise the trading name Keoghs under licence from Keoghs LLP. In Italy, Keoghs operates via an Italian branch office in Via dell’Unione 1, 20122 Milano, with tax code and VAT number 14401890968.

© Keoghs LLP. All rights reserved