



When designers specify, or even recommend, materials to be used in a project, they should be aware that they are taking on an element of product liability. If the materials don't fulfil the client's requirements, the designer will be held responsible.

Reduce your risk

- Check out the supplier
- Check out the material
- Compare quotes
- Use your Ts & Cs

You can get in touch with Blyth Valley really easily:

visit www.blyth-valley.co.uk, call **0845 370 9044** or email theteam@blyth-valley.co.uk

We'd love to hear from you.

This information is not intended to constitute advice or a complete statement of relevant law

Imagine that you're an interior designer contracted to fit out a fashion shop. The floor of the shop forms an integral part of the design, so you research what's available, check the manufacturers' specifications, and discuss your specific requirements with the manufacturer and the fitter – both assure you that the flooring is right for the job, so you go ahead.

Oh dear. Nine months later you receive a complaint from the shop owner, followed by a letter of claim from the shop owner's solicitors that the floor is wearing out. The owner claims it is damaging business.

You are clearly not responsible for the failure of the floor – but the manufacturer is blaming the fitter, and the fitter is blaming the manufacturer – and your client holds you responsible as it was you that recommended the material.

Thankfully, you would be covered by your professional indemnity policy. However, legal costs in defending a case like this can be substantial and, although your insurer will take up the case with the manufacturer and attempt to recover costs and damages, this could take at least a year and the insurer is unlikely to recover more than a proportion of the costs expended.

What can you do to reduce the likelihood of claims when recommending materials?

- Check the experience, integrity and professionalism of your suppliers. Do they, for example, have industry qualifications or testimonials from satisfied clients?
- Ensure that the end product is fit for purpose. Has it been tried and tested, or extensively used in similar environments?
- Obtain quotations from more than one supplier and ensure that you have documented the reasons for your or your client's final decision.
- Make clear in your standard terms and conditions that, while you take reasonable steps to investigate the materials you recommend, you accept no responsibility for the performance or quality of those materials or any consequential loss arising from their failure.