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MT Højgaard A/S (Respondent) v E.ON Climate and Renewables UK Robin Rigg East Ltd and another (Appellants) Citation: [2017] UKSC 59 BLR 477

The Supreme Court has held that a 'fitness for purpose' obligation contained within a schedule to a construction contract was to be given its natural effect and that it was not inconsistent with the other terms of the contract.

[MT Højgaard A/S \(Respondent\) v E.ON Climate and Renewables ...](#)

MT Højgaard A/S (Respondent) v E.ON Climate & Renewables UK Robin Rigg East Limited and another (Appellants)

[MT Højgaard A/S \(Respondent\) v E.ON Climate & Renewables ...](#)

These proceedings arise from the fact that the foundation structures of two offshore wind farms at Robin Rigg in the Solway Firth, which were designed and installed by MT Højgaard A/S ("MTH"), failed shortly after completion of the project. The specific issue to be determined is whether MTH are liable for this failure. 2.

[MT Højgaard A/S \(Respondent\) v E.ON Climate & Renewables ...](#)

E.ON appointed MT Højgaard A/S ("MTH") under a contract dated 20 December 2006 to design, build and install two offshore wind farms. Unfortunately, some of the turbines developed significant faults shortly after construction was completed and costly repairs were necessary.

[MT HØJGAARD A/S \(Respondent\) V E.ON Climate & Renewables ...](#)

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At MT Højgaard we create the space in which we live, work and move. We combine our practical knowledge with advanced technology; and we insist on co-operation based on curiosity, dialogue, courage and enthusiasm. About MT Højgaard. Knud Højgaards Vej 7 2860 Søborg Denmark

[MT Højgaard](#)

This appeal arises from the fact that the foundation structures of two offshore wind farms at Robin Rigg in the Solway Firth, which were designed and installed by the respondent, MT Højgaard A/S ("MTH"), failed shortly after completion of the project. The dispute concerns who bears the remedial costs in the sum of €26.25m.

[MT Højgaard AS v E.ON Climate and Renewables UK Robin Rigg ...](#)

MT Højgaard v E.ON will have a significant impact on how employers and contractors approach their design obligations in construction and engineering contracts. In this case, the Supreme Court confirmed that: where a contractor/supplier has accepted an obligation to provide a specified output or performance level it will be bound to deliver it

[Fitness for purpose: practical steps following MTN ...](#)

The Facts During 2006 E.ON Climate and Renewables UK Robin Rigg East Limited ("E.On") engaged MT Højgaard A/S to design, fabricate and install sixty wind turbine foundations for the Robin Rigg offshore wind farm in the Solway Firth.

[MT Højgaard A/S -v- E.ON Climate and Renewables UK Robin ...](#)

MT Højgaard Danmark vinder udbud på værksteder til DSB Hos MT Højgaard skaber vi de rum, vi lever, arbejder og bevæger os i. Vi kombinerer vores praktiske viden med avanceret teknologi og insisterer på samarbejde, som bygger på dialog, nysgerrighed, mod og entusiasme.

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MT Højgaard A/S -v- E.ON Climate & Renewables UK Robin Rigg East Limited UKSC 59 The judgment of the Supreme Court in MT Højgaard A/S -v- E.ON Climate & Renewables UK Robin Rigg East Ltd is concerned with what the Court of Appeal described as ‘contract documents of multiple authorship, which contain much loose wording’.

MT Højgaard A/S -v- E.ON Climate & Renewables UK Robin ...

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Allocation of Risk and Fitness Purpose: MT Højgaard A/S v Eon Climate and Renewables UK Robin Rigg East Limited. Published 23 junio 2016. The Court of Appeal last year had to consider whether the employer or contractor under a design and build contract had assumed the risk for defects in the design of the foundations of 60 offshore wind turbines, and the consequent cost of remedial works ...

Allocation of Risk and Fitness Purpose: MT Højgaard A/S v ...

MT Højgaard A/S (“MTH”) was contracted to design and build the Robin Rigg Offshore Wind Farm in the Solway Firth for what was effectively two E.ON entities (together “EON”). The Court had to consider (amongst other issues) whether MTH gave, and therefore breached, a warranty that the foundations for the turbines would function for 20 years without replacement.

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