

## **Landscape Consultant's Appointment Information Note 2**

**June 2018**

### **The Landscape Consultant's Appointment (LCA) and domestic clients**

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#### **Introduction**

This information note has been approved by the Landscape Institute Technical Committee. It supercedes Landscape Consultant's Appointment Note 2/14, but only minor modifications have been made.

It explains why the Landscape Consultant's Appointment is not suited to use with domestic clients. Domestic clients are clients having work done associated with their own home/garden in a personal capacity, not as a business, charity, authority, community group or similar.

#### **Note**

The Landscape Consultant's Appointment is not appropriate for domestic clients principally because consumer legislation applies to contracts with domestic clients.

For example this means that:

- 1 In some circumstances the customer has the right to cancel the contract. When it applies is complicated so it is best to give the right anyway to be on the safe side. However the regulations are very specific on the format of the form. This also has implications on when work starts, and particularly if it starts before the end of the cancellation period (see the JCLI Homeowner documents as an example at <http://sgd.org.uk/industry-jcli-homeowner-agreements-for-garden-design-consultancy.aspx>).
- 2 Domestic clients are distinguished from commercial clients in the Construction (Design and Management) Regulations 2015 (CDM). In the Regulations a domestic client effectively has no duties because they are undertaken by the Principal Contractor (or contractor if there is no PC) or the Principal Designer if the client appoints the PD in writing to do the client's CDM duties.
- 3 The 'Construction Act' (i.e. the construction part of the Housing Grants, Construction and Regeneration Act 1996 as amended by the construction part of the Local Democracy, Economic Development and Construction Act 2009) does not apply so the complex payment provisions due to the Act are not necessary for contracts with domestic clients. Similarly the adjudication requirements of the Construction Act need not apply. If the Construction Act requirements for payment and/or adjudication are to be included in a contract with a domestic client then the implications should be clearly explained to the client before they enter into the contract.

There is no intention on the part of the Landscape Institute to produce a version of the Landscape Consultant's Appointment for domestic clients, as that role is fulfilled by the SGD JCLI Homeowner contracts.

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