



# H T Bettle & Co

Marine Yacht Surveyor



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Beneteau Gran Turismo 38 'Speciale'



Vessel name: [REDACTED]

Type of vessel: Beneteau Gran Turismo 38 'Speciale'.

Vessel Lying: Chichester Premier Marina.

Purchaser: [REDACTED]

Email: [REDACTED]

Date of Survey: 10/08/2022

Survey was conducted for [REDACTED] for the purpose of Pre-Purchase, Condition, and Valuation by Henry Bettle MCMS AMRINA AMIMarEST BEng, Marine Surveyor.

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**Vessel Details and principle dimensions:**

Name: [REDACTED]

- Type: Beneteau Gran Turismo 38 'Speciale'.
- Builder/ Designer: Beneteau / Andreani Design
- Model: Gran Turismo 38 'Speciale'
- Year built: [REDACTED]
- Engines: Twin Diesel D4 300hp Volvo Penta Engines.
- HIN: [REDACTED]
- Hull number: [REDACTED]

Dimensions:

- LOA: 12.32m (40' 5")
- LWL: 11.46m (37' 7")
- Beam: 3.71m (12' 2")
- Draught: 0.85 - 1.05m (2'9" - 3'5")
- Light Displacement: 7,350kgs (16,199 lbs)

Tankage:

- Fresh Water: 200 Litres (53 Gallons)
- Fuel: 650 Litres (172 Gallons) (2 tanks)
- Holding Tank: 80 Litres (21 Gallons)

\*All data and information above has been given by others, obtained by outside sources or publications.

**Survey conditions:**

The survey was undertaken on the 10/08/2022. The survey took place on the water at Chichester Premier Marina, as well as on the hard to inspect the underside of the vessel. The weather conditions on the 10/08/2022 were hot and dry throughout.

**Survey Limitations:**

No dismantling of the hull, machinery or furniture took place, other than lifting or unscrewing portable boards and covers.

No dismantling of the engines took place and so the internal condition of the engines cannot be commented upon. Components hidden from view, such as the sump, crankshaft, camshafts, pistons, valves and cylinder head gaskets could not be examined for latent defects. No compression tests of the cylinders took place. Comments can only be made regarding the performance and general condition of the engines on the day of the inspection. No guarantee can be made regarding the life expectancy of the engines.

This report is subject to the conditions set out in the "terms and conditions" section of this report.

**Introduction:**

██████████ is a Beneteau Gran Turismo 38 'Speciale' motor yacht. The vessel has a white hull, a white superstructure, and black antifouling.

The vessel's name ██████████ is displayed upon the transom of the vessel.

**Condition Report:**

**Hull External:**

Construction: The hull is constructed of GRP that is stiffened by internal mouldings, bulkheads, semi-bulkheads, bonded-in locker dividers, glassed-in stringers and floor moulding support beams.

The hull's GRP construction utilises a lay-up of polyester resin, mixed-strand glass-fibre matting and woven rovings finished with a white pigmented gelcoat. Deck fittings were found to be reinforced by hardwood pads.

The underwater area of the hull was found to be coated with a black antifoul. The antifoul was found to be in a good condition overall, with only minor areas of flaking paint noted due to the pressure washing for the survey. The antifouling was applied in 04/2022. The hull was tapped over at random in its entirety with a small rubber hammer, and there were no signs of any voids or delamination detected. No visual signs of osmosis blistering, or wicking, were noted during the survey.



Moisture readings: Moisture readings were taken using a Tramex Skipper 5 randomly over the entirety of the hull below the waterline. It must be noted that the hull was still damp when the moisture readings were taken. If the hull was left to dry out for 48 hours, I would expect the moisture readings to be lower. Readings ranged from 10 to 20 on the portside, and 13 to 26 on the starboard side (averaging 16.6 on the portside and 20.0 on the starboard side). Readings of 14 and below are considered good, readings of up to 18 are considered acceptable, and readings of 18 and above are considered high. The readings taken on the 10/08/2022 were found to be acceptable to high. I suggest that the readings would decrease considerably if the vessel was allowed to dry out properly.

Due to the fact that there were no signs of osmosis blistering on the hull below the waterline, I suggest that the moisture readings taken on the 10/08/2022 are not a concern to the vessel at this time.

Wintering the vessel ashore yearly will help to prevent the moisture readings within the hull below the waterline from increasing further.

Skin Fittings: All skin fittings were found to be in a good condition externally.

Recommendations:

- Wintering the vessel ashore yearly will help to prevent the moisture readings within the hull below the waterline from increasing further.

**Stern Gear:**

Sterndrives: The vessel is fitted with two Volvo Penta sterndrives. Both sterndrives were found to be in a good condition overall. No areas of corrosion, or damage due to grounding, were noted during the survey.

Both sterndrives were last serviced in 04/2022. Both bellows were also replaced at this time. Volvo recommend that the bellow seals should be replaced every two years.

Bare metalwork was found on both sterndrives. This is most likely due to the pressure washing for the survey. I recommend that both sterndrives should be sanded, primed, and re-antifouled in the near future.

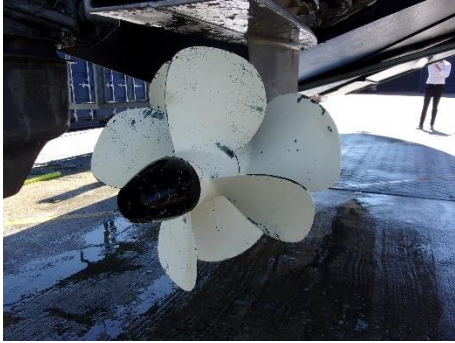


Both transom shields were found to be in a good condition, with no evidence of damage or corrosion noted during the survey

Both sterndrive leg tilts were tested during the survey and were found to be working correctly.

Steering system: The hydraulic steering system was found to be in a good condition, with minimal to no play noted during the survey.

Propellers: The vessel is fitted with four Volvo Penta Marine propellers (two 3-bladed and two 4-bladed). All propellers were found to be in a good condition overall, with no signs of galvanic corrosion or pitting noted during the survey. No chips in the propeller foils, due to fouling, were noted. All propellers have been painted. This was found to be flaking off. All propellers would benefit from being lightly sanded and re-painted for the following season.



Trim tabs: The Volvo Penta interceptors fitted to [REDACTED] were found to be in a fair condition overall, with no signs of corrosion or damage noted during the survey. The hydraulics were tested during the survey and were found to be working well.

However, when testing the interceptors, a fault with the portside interceptor kept on flashing up (error code 4), indicating that the portside interceptor was getting stuck. I recommend that the fault with the portside interceptor is inspected further and resolved.



Anodes: The vessel is fitted with the following anodes:

- One main sterndrive anode per sterndrive.
- Two transom shield anodes.
- One rectangular anode on the portside aft of the vessel.

Both transom shield anodes were found to be in a depleted condition and will need to be replaced within the next 6 months. All other anodes onboard were found to be in a good condition and will last another 6 months at least.



Recommendations:

- I recommend that both sterndrives should be sanded, primed, and re-antifouled in the near future.
- All propellers would benefit from being lightly sanded and re-painted for the following season.
- I recommend that the fault with the portside interceptor is inspected further and resolved.
- I recommend that both transom shield anodes are replaced within the next 6 months.

**Topsides:**

The white topsides of the vessel were found to be in a good condition overall. Taptests of the vessel in 20 random locations, spanning the whole of the topsides, found that this was in a good condition, with no evidence of delamination or weaknesses forming.

The grey and red chine stripes were found to be in a fair condition overall, with cosmetic scratches and scuffs noted on both sides of the vessel.



Moisture readings of the topsides were taken at 20 random locations and were found to be low in all test areas.

Mooring damage/ abrasions: The topsides of [REDACTED] were found to be in a good condition overall, with no evidence of any structural or major cosmetic damage noted on the topsides of the vessel.

One shallow gelcoat scratch was noted on the portside amidships of the topsides. This was found to be a cosmetic issue only.

Transom: The transom and bathing platform were both found to be in a good condition overall, with no areas of structural damage noted.

The bathing platform teak decking was found to be in a good condition, with no evidence of damage or lifting noted.



Bow: The bow of [REDACTED] was found to be in a good condition, with no areas of damage noted during the survey.



**Deck and Superstructure:**

The superstructure consists of a deck, a coachroof and a cockpit in two mouldings of GRP. The deck and coachroof are constructed using a sandwiched balsa core and are stiffened by glassed-in foam lateral members and fore and aft stringers. Areas of load are backed with hardwood plates, which were found to be in good order, where access was possible.

I both walk-tested and percussion-tested the deck and superstructure with a rubber-faced hammer and found no signs of flexing, or degradation of the core. Moisture readings of the deck were taken at 20 random locations and were found to be low over its entirety.





Mooring damage /Abrasion: The deck and superstructure were found to be in a good condition overall, with no evidence of any structural or major cosmetic issues noted during the survey.

Hull - deck join: A shoebox flange joint has been used on this type of vessel. The joint has been internally bonded, secured at 6" intervals, and finished by a white plastic rubbing band with a stainless-steel insert. The hull-deck joint was found to be in a good condition, with no signs of the deck coming away from the hull. Internally, where visible, the joint was found to be in a good condition.

Rubbing band: The plastic and stainless-steel rubbing band was found to be in a good condition overall, with no areas of major cosmetic damage noted.

Windscreen: The windscreen was found to be in a good condition overall, with no areas of damage, scratching, or leaking noted during the survey.

The windscreen wiper and washer fluid were found to be working correctly during the survey.

Windows: It was a dry day when the vessel was surveyed. There was no evidence of leaks from any of the cockpit windows internally, or evidence of water damage to any of the interior woodwork or lining.

The saloon and heads skylight windows were both found to be in a good condition.

The electric sunroof was found to be in a good condition, opening and closing correctly during the survey using the helm control switch.

Portholes: The 9 portholes onboard were all found to be in a good condition, with no evidence of past leaking or damage noted during the survey. All portholes opened and closed correctly.

Hatches and doors: The v-berth hatch was found to be in a good condition, with no evidence of damage, leaking, or crazing noted during the survey.

The main sliding saloon hatch was found to be in a good condition.

**Deck gear:**

The following deck gear was found to be present on [REDACTED]

- Two bow cleats.
- Two amidships cleats.
- Two stern cleats.
- Pulpit and stanchions in one fitting.
- Three stainless-steel handrails.
- Bow roller.
- Anchor chain locker.
- Lewmar electric anchor windlass.
- 15kg Danforth type anchor on the bow roller with 10mm chain and warp.
- Folding boarding ladder.
- Fuel, water, and waste filler caps.
- Nine fenders.

Below the starboard side 5<sup>th</sup> stanchion from the bow, minor rust staining was found. Moisture readings of the area of rust staining were taken and found to be low. I therefore recommend that the rust staining is a cosmetic issue only at this time.



All equipment was found to be in a good condition other than what has been mentioned above.

**Hull Internal:**

Condition of bilges: Access to the bilges is made by lifting the inspection hatch in the saloon, beneath the aft cabin and v-berth, and through the engine bay. All portable boards were lifted for inspection. The bilges were found to be clean and dry. No evidence of damage due to heavy grounding was noted during the survey.

Bilge pumps: There are two bilge pumps present onboard [REDACTED]. One electric bilge pump is located on the vessel and can be operated from the control panel at the helm position. This was found to be working correctly during the survey. One manual bilge pump is located at the aft of the cockpit. This was tested during the survey and was found to be working correctly.

Skin fittings: A table of all the skin fittings onboard is shown below:

Use	Size/Type	Location	Nr of clips	Operational
Toilet holding tank outlet	1 ½" Plastic valve	Aft of heads	2	Good.
Toilet inlet	¾" Ball valve	Aft of heads	2	<b>V-stiff.</b>

\*All seacocks onboard were left as they were found.

The toilet inlet seacock was found to be very stiff to operate. I recommend that the toilet inlet seacock is serviced or replaced.



Stiffeners Attached: Glassed in stiffeners have been attached to the bilges to increase the structural rigidity of the hull. All stiffeners attached were found to be in a good condition, with no signs of cracking or delamination noted during the survey.

The main saloon bulkhead was found to be in a good condition, with no signs of the bulkhead coming away from the coach roof or bilge.

The hull is further stiffened by plywood semi-bulkheads and plywood locker dividers, all of which are properly attached.

Recommendations:

- I recommend that the heads inlet seacock is serviced or replaced.

**Sprayhood, Dodgers and Other Canvas Work:**

The vessel is fitted with a cockpit cover. The cover was found to be in a good condition overall, with no evidence of tearing, or damage due to UV, noted during the survey.



**Cockpit:**

The vessel benefits from a large and safe cockpit. The cockpit includes a helm position to forward with a crew seat to starboard of this, a sunbed seat to starboard aft, and a large aft seating area to port. There is a small sink, fridge, and grill to port of the cockpit.



The cockpit gelcoat was found to be in a good condition, with no areas of major cosmetic damage noted during the survey

The cockpit upholstery was found to be in a good condition overall, with no areas of major cosmetic damage noted.

The cockpit teak decking was found to be in a good condition, benefiting from being re-treated recently.

**Interior:**

The interior is created by a white gelcoat-faced GRP moulding, as well as hardwood and hardwood-faced plywood. The interior was found to be in a very good condition overall.

There is a large saloon containing a settee to port and a galley to starboard, a v-berth cabin to forward, a separate heads compartment to starboard aft, and a large double bedroom to aft.





The cream upholstery was found to be in a good condition overall, with no areas of major damage noted during the survey

The v-berth mattresses were found to be in a good condition overall. The portside mattress was found to be marked on the top. This is a cosmetic issue only.



The interior woodwork and headlining were found to be in a good condition overall. Within the aft cabin, three chips to the woodwork were noted. All were found to be a cosmetic issue only.



The carpet in the v-berth and aft berth was found to be in a good condition and well secured throughout the interior.

No evidence of UV or water damage was noted to the interior of the vessel during the survey.

**Machinery:**

Twin Diesel D4 300 HP Volvo Penta duo-prop diesel inboard engines have been fitted to [REDACTED]. The engines are original to the motor yacht. The hours of the engines are 358 (P), and 358(S). The engine serial numbers are A341862 (P) and A341864(S). Both engines were last professionally serviced in 04/2022.



Both engines were started during the survey, warmed up to temperature, and tested under load. Both engines started with ease and ran well throughout.

Port engine: The engine oil was found to be at the correct level and relatively clean.

Externally, the engine is in a good condition overall, with only very minor areas of surface corrosion and flaking paint noted. The piping and filters on the engine were found to be in a good condition.

Both engine mounts were found to be in a good condition.

The engine wiring looks to be in a good condition, with nothing hanging too close to the engine.

The bilges below the engine were found to be clean and dry.

The exhaust system was found to be in a good condition, where access was possible.

Starboard engine: The engine oil was found to be at the correct level and relatively clean.

Externally, the engine is in a good condition overall, with only very minor areas of surface corrosion and flaking paint noted. The piping and filters on the engine were found to be in a good condition.

Both engine mounts were found to be in a good condition.

The engine wiring looks to be in a good condition, with nothing hanging too close to the engine.

The bilges below the engine were found to be clean and dry.

The exhaust system was found to be in a good condition, where access was possible.

Engine controls: The throttle and engine dials were all found to be in a good condition when tested. The Volvo joystick control could not be tested during the survey as the vessel was moored up for the inspection.



**Fuel system:**

There are two 325 litre plastic fuel tanks fitted onboard, either side of the engine bay, forward of the engines. The tanks, where visible, were both found to be in a good condition, with no evidence of damage or leaking noted during the survey. Both tanks are correctly fastened to the vessel with metal clamps. There was no smell or sign of fuel noted surrounding the tanks or in the bilges in the engine bay.



The rubber piping was all found to be in a good condition, the correct ISO standard, and secured properly to the boat. The fuel filters were both found to be in a good condition. No evidence of any diesel bug or water contamination in either of the fuel filters was noted. All metal fittings have been earthed correctly.

All fuel shut off valves were tested during the survey and were found to be working correctly.

The two fuel gauges, mounted either side of the helm, were both found to be working correctly.

Heating: A Webasto heater has been mounted to the vessel on the portside of the engine bay. The heater, piping, fuel line, and exhaust were all found to be in a good condition. The heater was tested during the survey and was found to be working correctly. The heater control is mounted at the saloon control panel.



**Gas systems:**

The gas system has one gas CampinGaz bottle located in a locker on the starboard side aft of the cockpit. The locker is well vented and self-draining.

The orange rubber gas piping in the gas locker was found to be dated July 2020 and in a good condition.

The gas regulator was found to be in a good condition.

The copper gas piping, where visible, was found to be in a good condition, with no areas of damage noted.



The gas shut off valve, located below the galley sink, was found to be in a good condition and working correctly.

The Eno gas hob was found to be in a good condition, with no areas of damage noted. The hob was tested during the survey and was found to be working correctly.



An electric grill has been fitted to the cockpit of the vessel. This was tested during the survey and was found to be working correctly.



**Electrical Installation and equipment:**

The vessel has four batteries fitted onboard. Two 115Ah batteries and two 95Ah batteries are located on the portside of the aft cabin. The batteries are all correctly housed and well vented.

All batteries were checked using a voltmeter and were found to be in a good condition, producing good output voltages and at 100% health (13.71V, 13.71V, 13.60V, 13.56V).



Four isolator switches are located on the saloon control panel. All isolator switches were found to be working correctly during the survey.



All the switches on the control panel, located at the helm, were tested. All items onboard were found to be working correctly.

Both fridges were tested during the survey and were found to be working well.

The TV was tested during the survey and worked correctly.

The original fusion stereo system was not working during the survey. The system has been replaced with a new stereo, mounted on the portside of the saloon.



Wiring: all wiring, where visible, was found to be in a good condition.

Shore power: An RCD breaker switch is located on the starboard side of the engine bay. The battery charger, immersion heater, and all plug points were tested during the survey and were found to be working correctly. No issues with the shore power system were found.

**Water System:**

One 200 litre plastic water tank is located below the saloon sole boards. The water tank, both internally and externally, was found to be in a good condition, with no evidence of leaking or damage noted during the survey.

The freshwater system pipework was all found to be in a good condition, where access was possible.

The pressurised water pump and accumulator tank, located on the starboard side of the engine bay, were found to be in a good condition.



The heads tap and shower, galley tap, cockpit tap, and cockpit shower, were all found to be working correctly during the survey.

Hot water: The calorifier, with immersion heater, is located on the starboard side of the engine bay. The calorifier was found to be in a good condition, with no areas of damage or corrosion noted. All the hot water pipe work was found to be in a good condition where visible.

The hot water system was tested during the survey and was found to be working correctly.



**Toilet installation:**

There is a Jabsco electric toilet system fitted to this motor yacht. The toilet was found to be in a good condition when tested. The pipework was found to be in a good condition and is the proper sanitary grade piping. The toilet pumps (inlet and outlet) were found to be working correctly during the survey.

There is an 80-litre GRP holding tank located directly aft of the heads. The holding tank was found to be in a good condition, with no signs of any damage noted. The tank is gravity drained. The holding tank was found to be full during the survey.



**Safety Gear:**

The following safety gear and navigation equipment is present onboard [REDACTED]

Item:	Location:	Condition:
Fire extinguisher (3)	1 Engine bay, 1 v-berth, 1 galley.	<b>Galley and v-berth extinguishers need replacing.</b>
Fire Blanket	Saloon	Good.
Gas Alarm (CO)	Port saloon	Good.
Flares	Cockpit sink cupboard	Good.
Lifejackets	Aft cabin	<b>Last service date unknown.</b>
Ocean Safety Life raft	Cockpit seat (S)	Good.
Horn	Coachroof	Good.
Navigation lights	Deck and coachroof	<b>Portside light not working.</b>
Simrad GPS/chartplotter NSS EVO3	Helm	Good.
Simrad DSC VHF	Helm	Good.

Both the v-berth and galley fire extinguishers should be replaced due to their ages.

I recommend that all lifejackets onboard are serviced.

The portside navigation light was found to not be working during the survey. I recommend that the portside navigation light is serviced or replaced.



**Recommendations:**

- Both the v-berth and galley fire extinguishers should be replaced due to their ages.
- I recommend that all lifejackets onboard are serviced.
- I recommend that the portside navigation light is serviced or replaced.

**Recommendations:**

Recommendations have been ordered into three groups; "1)" is for serious structural or safety recommendations that should be addressed before the vessel is taken to sea. "2)" is for structural or safety recommendations that should be undertaken in the near future. "3)" is for cosmetic and minor recommendations.

1)

-

2)

- I recommend that both sterndrives should be sanded, primed, and re-antifouled in the near future.
- I recommend that the heads inlet seacock is serviced or replaced.
- Both the v-berth and galley fire extinguishers should be replaced due to their ages.
- I recommend that all lifejackets onboard are serviced.
- I recommend that the portside navigation light is serviced or replaced.

3)

- Wintering the vessel ashore yearly will help to prevent the moisture readings within the hull below the waterline from increasing further.
- All propellers would benefit from being lightly sanded and repainted for the following season.
- I recommend that the fault with the portside interceptor is inspected further and resolved.
- I recommend that both transom shield anodes are replaced within the next 6 months.

**Conclusions:**

██████████ is a very good example of this fast motor yacht. She is clean and structurally sound, and benefits from a pair of properly serviced and relatively low hours engines, as well as a tidy interior and exterior.

██████████ has no section 1) recommendations that need addressing immediately. Once the recommendations have been undertaken in section 2), ██████████ should provide her new owner with many years of safe motoring.

**Valuation:**

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This valuation has been arrived at after investigating the price of similar vessels on the market and by considering the condition of the vessel together with its engines, interior and other equipment.

**Signed by**



Henry Bettle BEng (Hons) MCMS AMRINA AMIMarEST

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## **Terms and Conditions**

### **1. Definitions**

"Surveyor"/"Consultant" is the Surveyor/Consultant trading under these conditions.

"Client" is the party at whose request or on whose behalf the Surveyor/Consultant undertakes surveying services.

"Report" means any report or statement supplied by the Surveyor/Consultant in connection with instructions received from the Client.

"Disbursements" means the cost of all reasonable photography, reproduction of drawings, diagrams, sketches and printing, duplicating and, where applicable, electronic transmission fees, and all reasonable and appropriate expenses including travel, subsistence and hotel accommodation where an overnight stay is necessary.

"Fees" means the fees charged by the Surveyor/Consultant to the Client and including any value added tax where applicable and any Disbursements.

### **2. Scope**

The Surveyor/Consultant shall provide its services solely in accordance with these terms and conditions.

### **3. Work**

The Client will set out in writing the services which it requires the Surveyor/Consultant to provide. The Surveyor/Consultant will confirm in writing that it accepts those instructions or alternatively what services it will perform in connection with the Client's instructions. Once the Surveyor/Consultant and the Client have agreed what services are to be performed (the Services) any subsequent changes or additions must be agreed by both parties in writing.

### **4. Payment**

The Client shall pay the Surveyor/Consultant's Fees punctually in accordance with these Conditions and in any event not later than 10 days following the relevant invoice date, or in such other manner as may have been agreed in writing between the parties. Any delay in payment shall entitle the Surveyor/Consultant to interest at 8% above the Base Lending Rate of the Bank of England prevailing at the time of default.

## **5. Obligations and Responsibilities**

(a) Client: The Client undertakes to ensure that full instructions are given to the Surveyor/Consultant and are provided in sufficient time to enable the required Services to be performed effectively and efficiently and to procure all necessary access for the Surveyor/Consultant to goods, premises, vessels, installations and transport and to ensure that all appropriate safety measures are taken to provide safe and secure working conditions. The Surveyor/Consultant shall not be liable for the consequences of late, incomplete, inadequate, inaccurate or ambiguous instructions.

(b) Surveyor: The Surveyor/Consultant shall use reasonable care and skill in the performance of the services in accordance with sound marine surveying/consulting practice.

(c) Reporting: The Surveyor/Consultant shall submit a final written Report to the Client following completion of the agreed Services describing the Surveyor's/Consultant's findings and the condition and/or quality of the object and/or purpose of the assignment, unless otherwise expressly instructed by the Client not to do so.

(d) Confidentiality: The Surveyor/Consultant undertakes not to disclose any information provided in confidence by the Client to any third party and will not permit access to such information by any third party unless the Client expressly grants permission save where required to do so by an order of a competent court of law.

(e) Property: The right of ownership in respect of all original work created by the Surveyor/Consultant remains the property of the Surveyor/Consultant.

(f) Conflict of Interest/Qualification: The Surveyor/Consultant shall promptly notify the Client of any matter including conflict of interest or lack of suitable qualifications and experience, which would render it undesirable for the Surveyor/Consultant to continue its involvement with the appointment. The Client shall be responsible for payment of the Surveyor/Consultant's Fees up to the date of notification.

## **6. Liability**

(a) Without prejudice to Clause 7, the Surveyor/Consultant shall be under no liability whatsoever to the Client for any loss, damage, delay or expense of whatsoever nature, whether direct or indirect and howsoever arising UNLESS same is proved to have resulted solely from the negligence, gross negligence or wilful default of the Surveyor/Consultant or any of its employees or agents or sub-contractors.

(b) In the event that the Client proves that the loss, damage, delay or expense suffered was caused by the negligence, gross negligence



or wilful default of the Surveyor/Consultant aforesaid, then, save where loss, damage, delay or expense has resulted from the Surveyor's/Consultant's personal act or omission committed with the intent to cause same or recklessly and with knowledge that such loss, damage, delay or expense would probably result, the Surveyor's/Consultant's liability for each incident or series of incidents giving rise to a claim or claims shall never exceed a sum calculated on the basis of ten times the Surveyor's/Consultant's charges.

(c) Without prejudice to (a) and (b) above, the Surveyor/Consultant shall not be liable for loss of or damage to physical equipment and property placed at its disposal by, or on behalf, of the Client however such loss or damage occurs, unless such loss or damage was caused by act or omission committed with intent to cause some or recklessly with knowledge that such loss or damage would probably result.

## **7. Indemnity**

Except to the extent and solely for the amount therein set out that the Surveyor/Consultant would be liable under Clause 6, the Client hereby undertakes to keep the Surveyor/Consultant and its employees, agents and sub-contractors indemnified and to hold them harmless against all actions, proceedings, claims, demands or liabilities whatsoever or howsoever arising which may be brought against them or incurred or suffered by them, and against and in respect of all costs, loss, damages and expenses (including, but not limited to, legal costs and expenses on a full indemnity basis) which the Surveyor/Consultant may suffer or incur (either directly or indirectly) in the course of the Services under these Conditions.

## **8. Force Majeure**

The Surveyor/Consultant and/or the Client shall not, except as otherwise provided in these Conditions, be responsible or have any liability for any loss, damage, delay or failure in performance hereunder arising or resulting from act of God (including, but not limited to earthquake, flood, tsunami, volcano, hurricane, tropical storm, cyclone, blizzard or other similar event), act of war, terrorist attack, nuclear contamination, seizure under legal process, epidemic quarantine restrictions, strikes, boycotts, lockouts, riots, civil commotions and arrest or restraint of princes, rulers or people. Following a force majeure event either party may serve notice on the other to terminate the agreement.

## **9. Insurance**

The Surveyor/Consultant shall affect and maintain, at no cost to the Client, Professional Liability Insurance for such loss and damage

for which the Surveyor/Consultant may be held liable to the Client under these terms and conditions.

**10. Surveyor's/ Consultant's Right to Sub-contract**

The Surveyor/Consultant shall have the right to sub-contract any of the services provided under the Conditions, subject to the Client's right to object on reasonable grounds. In the event of such a sub-contract the Surveyor/Consultant shall remain fully liable for the due performance of its obligations under these Conditions.

**11. Time Bar**

Any claims against the Surveyor/Consultant by the Client shall be deemed to be waived and absolutely time barred upon the expiry of 6 months from the submission date of the Report to the Client.

**12. Jurisdiction and Law**

These Conditions shall be governed by and construed in accordance with the laws of England and Wales and any dispute shall be subject to the exclusive jurisdiction of the English Courts.