

Book reviews

CONSTRUCTION LAW HANDBOOK 2007 EDITION

Edited by Sir Vivian Ramsey QC, Ann Minogue, Jenny Baster and Michael O'Reilly. Thomas Telford, London, 2007.
ISBN 978-0-7277-3485-3, £195.00 (print only annual subscription), £395.00 (online plus print subscription), 1038 pp.

This ambitious book largely achieves what it sets out to be—a 'readily accessible resource on a wide range of topics for the busy construction professional'. Written predominantly by lawyers for non-lawyers, on the whole it achieves a good balance between information, explanation and identification of the legal framework and relationships within which the construction industry operates, including the regulatory schemes and principal regulators (who they are, as well as what, how and who they regulate), and useful, practical approaches to the issues that arise. As may be expected in any book which attempts to provide a comprehensive guide to an enormous topic—in this case the construction industry—and in a work written by a large number of contributors, there is a certain amount of patchiness and some repetition.

Divided into four parts, it covers the planning stage of a project, the principal practical and legal issues arising at the contract and construction stages, through to dispute resolution. Part 1 contains invaluable references to the policy, legislative and regulatory framework of, for example, private finance initiative projects and how they operate, the role of the European Commission in substantive procurement regulation, or the various types of construction project and professional indemnity insurance to be found.

Part 2 covers aspects of engineering practice such as the tax and insurance implications of different set ups—sole practitioner, partnership or company—as well as applicable employment law. Interesting as these topics are, why they should be included in this handbook is not clear. There are no similar sections dealing with other construction professions such as architects or quantity surveyors. It is not a specialist guide for those interested in setting up an engineering practice; yet homilies on how to control office staff abuses of the internet, for example, in the section on information technology, do not fit readily into a resource handbook of this nature.

Part 3 covers the general principles of the law of contract and of tort, as well as several excellent sections on specific topics such as the environment, health and safety, and insolvency. Environment, for example, is broken down into discrete topics such as waste

management, water, air and noise pollution, contaminated land and environmental protection, with each containing a brief survey of current policy, who the regulators and the regulated are, the relevant legislation, and how it works.

Apart from a slight bias against mediation expressed by one author (who considers that the extensive confidentiality of mediation is seldom needed in construction disputes!), Part 4 contains considerable, well-informed guidance on the main forms of dispute resolution—litigation, arbitration, adjudication and a selection of alternatives.

The Handbook is most successful when keeping to its intentions of being a resource or reference book, and least successful when covering the more academic issues or offering opinions and general advice. For example, Part 3 'Making a Contract' canters through the theoretical constructs of 'offer', 'acceptance' and 'consideration' in a manner that is reminiscent of student textbooks, which would probably leave the busy construction professional somewhat frustrated in his or her search for more practical guidance on whether or not in the particular circumstances, there is a contract. Having said that, the subsection on how to construe contracts is clearly set out and achieves a remarkably useful guide to this difficult topic.

The longest single section of the Handbook, Part 4 'Administration of Claims', contains much with which the practising professional would already be acquainted. It also suffers from considerable repetition of material covered in more depth in specific dedicated sections—for example, in Part 3 on breach of contract and damages, or Part 4 on arbitration, adjudication, and alternatives such as med-arb. The one area that it does usefully cover and which is not dealt with elsewhere is that of programming and the associated issues of delay, acceleration and extension of time claims.

This lengthy section also suffers from somewhat tendentious statements as well as some that are arguably wrong. In identifying that which constitutes a 'dispute' for the purposes of statutory adjudication as opposed to a 'claim', the author relies on Seymour's narrow definition propounded in *Carter v. Nuttal 2002* (p. 648), whereas no mention is made of subsequent Court of Appeal authority such as *Amec Civil Engineering v. Secretary of State for Transport 2004* and *Collins (Contractors) Ltd v. Baltic Quay Management 2004*, effectively ruling out Seymour's restricted view. In another instance, the author makes questionable claims for the benefits and purposes of statutory

adjudication, which those familiar with both adjudication and arbitration may well find puzzling, Statutory adjudication is said to satisfy the requirements of a pre-arbitration protocol, allowing the parties 'to identify the issues and . . . provide a reality check of each Party's position as well as the main evidence relied upon'. He goes on to say that 'experience shows that the arbitration timetable can be considerably shortened where an intensive investigative adjudication has taken place' (p. 655). Given that the statistical studies undertaken to date show a negligible proportion of adjudicated disputes proceeding to arbitration, one is left with the impression that this bold claim may be based on the singular experience of the writer alone, but not something that is borne out generally.

Despite those reservations, the Handbook is an excellent resource into which many will be able to dip for essential information as and when the need arises.

DELIA DUMARESCU

FINANCIAL FUNDAMENTALS FOR ENGINEERS

George Solt and Richard Hill. Butterworth-Heinemann, Oxford, 2006. ISBN 0 7506 6941 1, £19.99, 191 pp.

This book is about what engineers should be taught about money.

According to the authors 'there is a traditional gap in engineers' education, which is an understanding that engineering projects depend as much on financial matters as they do on technology'. They contend 'this stuff is vital for all engineers—and indeed everyone who deals with projects' but 'engineers are rarely taught much about the realities of finance'.

With respect, the authors are correct on all counts. However, the content and level of this book appear to be more appropriate to undergraduates and graduate trainees in the early stages of their careers, rather than old, grey and/or bald engineers who surely have met and been conversant with most, if not all, of the topics debated and explained in this book. Nevertheless, it does provide sound and useful advice for the younger engineer.

There are 26 chapters written in an entertaining, user-friendly, easy to read and understandable style. Overall the book explains basic financial concepts: money, profit, cash flow, using real and practical events from the authors' professional careers, including not only 'how to get it right' but also 'how things go wrong'. The first chapter quotes that old American maxim that 'an engineer is someone who can do for half a dollar what any fool can do for a dollar'. Absolutely correct!

I particularly like the cartoon in Chapter 23 concerning consultants and appropriate advice. There is an engineer (but could it be a quantity surveyor?) apparently taking advice from a horse's rear-end; but rest assured the advice in this book is sound and appropriate.

BRIAN HOLLOWAY

NEW ASPECTS OF QUANTITY SURVEYING PRACTICE, 2ND EDITION

Duncan Cartlidge. Elsevier, Oxford, 2006, ISBN 978-0-750-66841-5, £26.99, 286 pp.

This second edition of Mr Cartlidge's book was published in 2006, some four years after the first edition. Including the appendix, it runs to just under 300 pages. It consists of eight chapters. The first is called 'The Catalyst of Change', and it is followed by two chapters dealing with managing value, two more dealing with procurement, and one on each of new technology, global markets and researching value.

The author is a procurement consultant, teaches at one educational establishment, and is an external tutor at another. He has obviously carried out extensive research and possesses considerable amounts of information, some of it very detailed. The book is constructed in a logical fashion and raises a number of issues for thought and possibly debate.

The first chapter recalls some of the difficulties which confronted the quantity surveying profession a few years ago. It refers to a number of reports produced by the Royal Institution of Chartered Surveyors (RICS) and the reaction of RICS and the profession as a whole to certain challenges issued to it and to the construction industry in general. It then refers to the information technology revolution, the Latham Report, benchmarking and key performance indicators, among other things. All reasonably mature members of the profession will know and recognise much of the material already.

The chapters on procurement, covering first the supply chain and second integrated project delivery, and those which cover 'doing deals' and 'doing deals electronically', go into some considerable depth. As a result, they may be difficult for younger members of the profession to relate to, and may appeal to a relatively restricted section of the more mature members.

The chapters on new technology and global markets also cover ground which has been discussed and debated within RICS and in the construction press for several years.

The author is to be complimented on his detailed knowledge, which is probably best dipped into when required, as opposed to reading from cover to cover. The style of much of the book uses numerous lists of bullet points and diagrams, which this reviewer found helpful in some cases, but not so in others, even to the point of questioning why they are necessary.

Another peril of writing such a book is how long techniques remain 'new'. Many of the issues raised and discussed have been the focus of attention now for a few years, more even than the four years that have elapsed since the previous edition. Nevertheless, it is a useful work of reference and a reminder of how adaptable the quantity surveying profession has been.

JOHN PAPWORTH