

Book review

THE FIDIC FORMS OF CONTRACT 3RD EDITION

Nael G. Bunni. Blackwell, 2005, ISBN 978-1-4051-2031-9 (hardback).

FIDIC (Fédération Internationale des Ingénieurs Conseils) is the international federation of duly elected associations of consulting engineers representing the profession in their respective countries. The author, Nael Bunni, is a chartered engineer and chartered arbitrator and has acted as arbitrator, conciliator, mediator, dispute board member and expert witness in hundreds of domestic and international disputes involving parties from over 45 different jurisdictions. As a past chairman of FIDIC's standing committee on professional liability and of its task committee on construction, insurance and law, there can be few people better qualified to write a book on the FIDIC forms of contract.

This book, comprising 27 chapters, three appendices and over 800 pages, is a major work that covers far more than simply the 1999 editions of the FIDIC Red, Yellow and Silver Books and is not a light or easy read. Those who simply want a commentary on the 1999 editions might be better advised to refer to Brian Totterdill's *FIDIC User's Guide*, which was published in 2006. If they read only that, however, they would miss out on a great deal of valuable insight and detail as, in order to fully understand the 1999 editions the user needs to understand what went before.

Bunni commences by chronicling the development in 1956 of what became known as the ACE form from the then current ICE domestic form by the Association of Consulting Engineers in the

UK through to the fourth edition of the Red Book in 1987, its 1992 reprint and then the 1999 editions of the Red, Yellow and Silver Books.

Before embarking on very detailed commentaries of the fourth edition and the 1999 editions Bunni covers a wide range of topics such as the diversity of legal systems; Romano-Germanic law, common law and Islamic law; the concept of the independent engineer, sharing of risks and the Red Book in use.

The commentaries themselves follow the traditional pattern found in most construction contracts: role of the engineer; responsibility and liability of the engineer, the employer's obligations; the contractor's obligations; risks, liabilities, indemnities and insurances; performance and other securities; claims and counterclaims; delay in completion and extensions of time; certificates and payments; disputes settlement by arbitration; and amicable settlement using alternative dispute resolution.

The book ends with a chapter on dispute boards and a very detailed comparison of the changes between the fourth edition and the 1999 Red, Yellow and Silver Books. A comprehensive list of references and an index are provided.

This is a major work which deserves close study by all practitioners involved in using FIDIC contracts in any role.

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