

Book review

CONSTRUCTION CONTRACTS: LAW AND MANAGEMENT, 4th edn

John Murdoch and Will Hughes. Taylor & Francis, London, 2008.
ISBN 978-0-4153-9369-0, £24.99, 432 pp.

This book, albeit the fourth edition, was new to this reviewer, who, having cut his teeth on the well-known, specialist and comprehensive construction law books of Hudson's *Building and Engineering Contracts* and Keating on *Construction Contracts* aimed at dedicated construction lawyers, approached it with a degree of scepticism. This stemmed from the undoubted supremacy of Hudson and Keating in their particular area. However, the reading was worthwhile and instructive. This book is impressive since it provides not only an explanation of the fundamental principles concerning the law governing construction contracts rather than a clause-by-clause analysis of any particular standard-form contract, but also the management and administration of those contracts. These matters are dealt with by the authors lucidly, interestingly and also practically.

The book is aimed primarily at students but the reviewer agrees with the statement upon its back cover that practitioners (consultants, builders, clients and lawyers) will find this an extremely useful source of reference, providing in-depth explanations for all of the features found in contemporary construction contracts, together with reasons.

In fact, a man from Mars (if that is still a politically correct description) who desired to embark on the promotion of building or civil engineering work and sought advice on what form of construction contract to adopt, would be very well advised to purchase and study this book.

The book's 25 chapters range over many issues including initially, the context of the UK construction industry, roles and relationships and general contracting before moving on to various avenues of procurement including design and build, management contracting, construction management, procurement methods, risk allocation and contract choice. The book then describes tendering and contract formation followed by the legal obligations of the parties involved in the construction contract, design responsibility, time, payment and the seemingly inevitable contractor's claims for loss and expense. The latter chapters include insurance and bonds, subcontracts, financial remedies for breach of contract,

defective works, suspension/termination and dispute resolution. In order to illustrate particular points, the authors draw most frequently upon JCT SBC 05.

It is clear from the text that the authors have a wide and practical experience of the construction industry. In the chapter on construction management, for example, when commenting upon the personnel concerned with this type of procurement, they rightly identify that the personnel must understand what is required of them and their position in the team. The authors opine that if this is misunderstood, the chances are that everything else will be, and the procurement method will not salvage the situation. The reviewer agrees, in particular, with their observation, since it chimes with his own experience that 'this is not a procurement method for the inexperienced'. In the reviewer's experience, one of the key elements required for successful construction management is that the construction manager is highly motivated throughout the life of the project.

The chapter concerning procurement methods and risk allocation is commendable. It adumbrates the types of risk to be found in construction contracts, the various approaches to dealing with contractual risks and then how such risks are to be transferred. Such an approach may well be used in other publications but the author's analysis in this book is comprehensive, lucid and practically based.

When it comes to contract drafting, although it comes as no surprise to those wise in the ways of drafting construction contracts, the authors impart valuable advice to the less practically experienced, such as graduates and postgraduates, when they say 'Many are tempted to undertake their own revisions and amendments to standard forms and frequently make the situation worse by producing conflicting or contradictory clauses.'

Responsibility for design is an issue which has often appeared in the law reports and the authors set out an understandable and first-rate analysis of this topic which can be difficult to comprehend and sometimes be confusing when not properly explained.

'Time' is said to be 'an extremely important issue in construction'. A visit to court judgments in the recent past shows this statement to be more than adequately borne out, particularly when it comes to the important issue relating to adjustments of time. The authors

cover the crucial issue of extensions of time in a clear and workmanlike fashion.

Overall, this book is thoroughly recommended and this reviewer cannot do better than echo the authors' statement that 'It should be the aim of every construction student to understand the legal

framework sufficiently that they can instruct and brief specialist lawyers and this book is designed to help them towards that understanding.' With respect, the authors have succeeded in this enterprise.

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