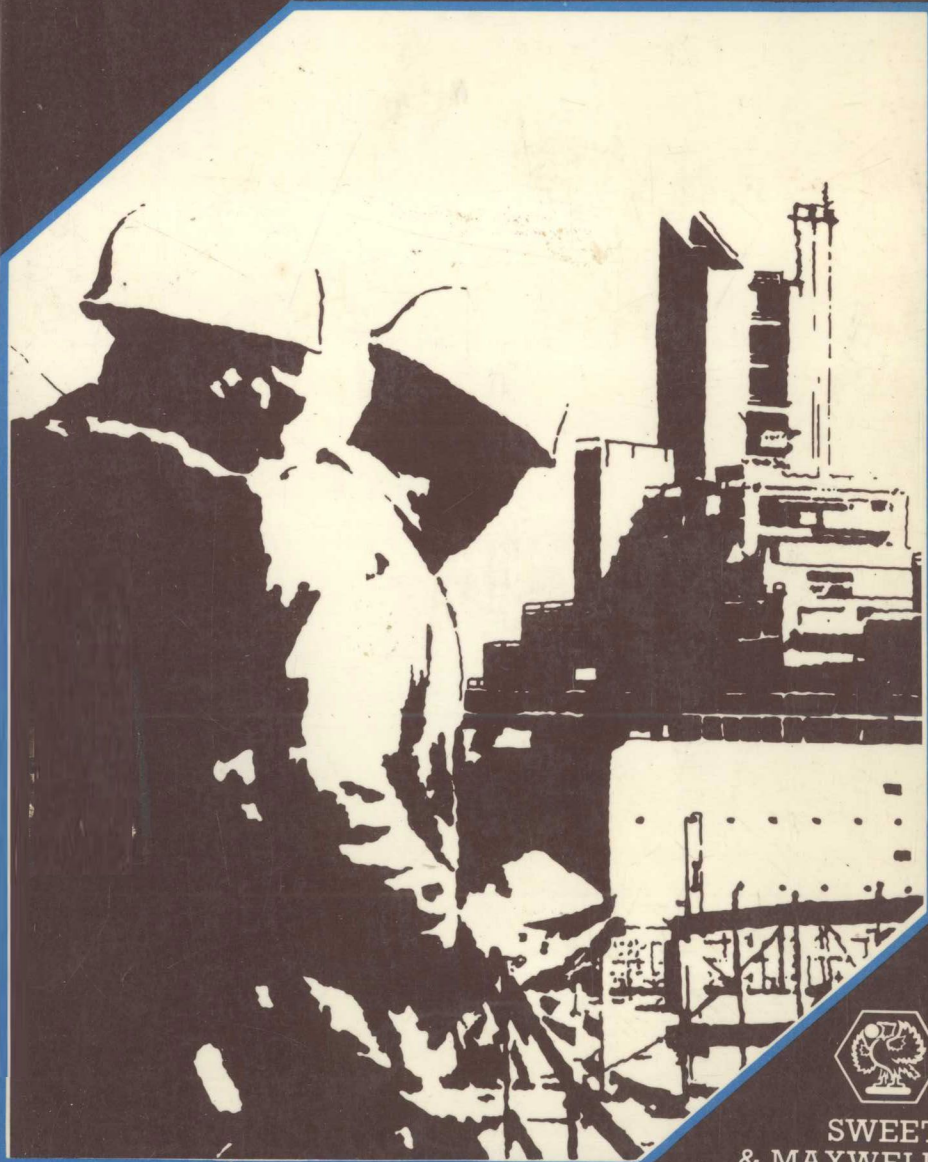


CONCISE
COLLEGE
TEXT

CONSTRUCTION LAW

THIRD EDITION

JOHN UFF



SWEET
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CONCISE COLLEGE TEXTS

CONSTRUCTION LAW

An outline of law and practice relating to the
construction industry

By

JOHN UFF

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THIRD EDITION

LONDON
SWEET & MAXWELL
1981

*First Edition 1974
Second Edition 1978
Third Edition 1981*

*Published in 1981 by
Sweet & Maxwell Limited of
11 New Fetter Lane, London,
Photoset by Promenade Graphics Ltd., Cheltenham
Printed in Great Britain by
Page Bros. (Norwich) Ltd.*

British Library Cataloguing in Publication Data

Uff, John

Construction law. — 3rd ed. — (Concise college texts)

1. Construction industry — Law and Legislation — England

I. Title II. Series

344.203'78 KD2435

ISBN 0-421-28300-9

ISBN 0-421-28310-6 Pbk

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CONSTRUCTION LAW

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PREFACE

This book is written chiefly for people in the construction industry. Its subject is the law and practice surrounding building and civil engineering contracts, and in particular the standard JCT and ICE Forms of Contract. The work also covers other branches of law and procedure which impinge on construction projects, particularly when disputes arise. Necessarily, a book of this size must approach its subject broadly, but my aim has been to provide detailed coverage where useful. It is hoped the chapters devoted to building and engineering contracts may be of use to members of the legal profession needing a concise introduction to the mysteries of building law.

A major change in this edition is coverage of the new JCT Standard Forms, issued in 1980. At the same time, I have taken into account observations of some reviewers who considered treatment of the Standard Forms to be too brief. The commentaries on both the JCT and the ICE Forms (Chapters 10 and 11) are now enlarged to make their coverage more comprehensive. Other amended or re-issued forms of contract covered in this edition include the JCT Forms of Sub-Contract and Warranty, The Minor Building Works Form and the Contractor's Design Contract. The commentary on the 1963 JCT Form is reproduced in the Appendix.

Developments in the law covered in this edition include the Arbitration Act 1979, the new Employment Acts and the Civil Liability (Contribution) Act 1978, together with a number of important new cases including *Dodd Properties v. Canterbury C.C.*, *Independent Broadcasting Authority v. E.M.I.*, *Photo Productions v. Securicor* and *Trendtex v. Credit Suisse*. I have also taken the opportunity to extend coverage on some topics, including arbitration procedure, foreign awards and the recovery of interest. New sections have been added dealing with design and build contracts and drafting of documents.

In the Preface to the second edition of the book it was noted that recent developments up to 1978 showed a trend towards wider liability of suppliers of goods and services. In the three years which have elapsed between the second and third editions of *Construction Law*, this trend has continued in the field of tortious liability, which now acknowledges few boundaries. But a different trend is discernible in the field of contract, where the construction industry can record serious attempts to improve its machinery and to regulate the distribution of liability. This process still has a very long way to go.

In preparing this edition, I remain conscious of the benefit of work-

ing within specialist chambers. I am grateful to my fellow members of chambers for many helpful discussions and especially to Donald Keating Q.C. whose enthusiasm for this lively subject remains an inspiration. I have also drawn great benefit, and I hope a more balanced view of the construction industry, from my friends and colleagues in the Institution of Civil Engineers and the Chartered Institute of Arbitrators. Finally and foremost, I am indebted to my wife, Diana Graveson, LL.M., for her invaluable legal and literary advice and help, and again for preparing the Index.

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Extracts from the ICE Conditions of Contract, 5th edition, are reproduced with kind permission of the Institution of Civil Engineers.

January 30, 1981

11, King's Bench Walk,
Temple,
London EC4

JOHN UFF

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