

Dictionary of Construction Terms

Fenwick Elliott LLP

Edited by Simon Tolson, Jeremy Glover
and Stacy Sinclair



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FOREWORD

Even for the experienced construction professional or specialist legal practitioner, the availability of an intelligent and usable dictionary of construction terms is vitally important. It is only once one understands the terms being used that one can begin to understand the problem or issue which needs to be addressed.

Some 35 years ago, a deputy judge dealing with a case only about the alleged inadequacy of purlins in a roof left it until the fourth and final day of the trial to ask what a purlin was. Whilst one would not blame any normal person for not knowing what a purlin was, it did not create any confidence amongst the lawyers and clients involved in the case that the judge left it until the last day to ask. If he had had access to this *Dictionary*, the judge would have been told that it is "A horizontal beam in a roof carried on the principal rafters". He would have been a better informed judge at the beginning of the case.

This particular *Dictionary* has an extensive list of definitions not only of the technical construction and engineering terms but also of the related legal, litigation, adjudication or arbitration terms about which parties need to know in the modern world. It is important that parties involved in construction, engineering and technology understand what the words used by other parties actually mean. It will often be as important to understand what a "quoin" is as to appreciate what an actual or would-be lawyer means by referring to a "quantum meruit".

This *Dictionary* draws together thousands of words and terms both from the technical and legal sides of the business and that is vitally important, in my view, for people at all levels involved in the construction, engineering and technology business. For trainees and fully experienced personnel within the construction and engineering business and for people within and indeed outside the legal and construction professions, a good widely drawn dictionary is essential.

I would commend this *Dictionary* as an extremely useful aid to everyday practice both for trained and untrained and experienced and even inexperienced people involved in the construction, engineering and technology areas.

Mr Justice Robert Akenhead
Judge in charge of the Technology and Construction Court
London

PREFACE

This *Dictionary of Construction Terms* is intended to cover a wide range of the more common as well more esoteric yet important terms a building professional, lawyer, student, judge, arbitrator, adjudicator, engineering economist or the like may require definition upon in the construction law field. The intention is to clear the fog, and to do so concisely in clear English in an alphabetical format. So whether you are looking for the answer to a spandrel panel, chequerplate, revetment, or NAECI or what is meant by *nemo dat quod non habet* or the rule in Pinnel's case, we have it here, and a whole lot more.

How did it start? In about 1994 I started assembling a construction database on my *Psion Organiser* (for those that can remember such pocket computers) regularly adding building and engineering terms, legal references etc relevant to the firm's work as construction lawyers. I was always excited to learn new terms and add to the record. Then about 10 years ago with the advent of powerful networked computing and software systems, Fenwick Elliott created its own intranet platform, and that database was uploaded to it. It was coined by the office, "*Simon Says*". This data rapidly grew with our busy international practice and with projects that are more complex the legal issues thrown up blossomed in tandem with the new technologies.

It was pretty clear that often things on *Simon Says* could not be turned up easily elsewhere, not even on Wikipedia. Whilst we live in a world where the computer is king be it iPad, Blackberry or Galaxy etc, we all in truth welcome the comfort of a book we can sniff, thumb through, sticker up when we want pages flagged and keep by our elbow.

Jeremy Glover (Solicitor and Partner), Stacy Sinclair (an Architect, Engineer and Assistant Solicitor) and I were unanimous in the view that none of the existing 'building dictionaries' covered the cross over into the specialist law we habitually practice in and so the idea was born – drawing on our respective fields and bringing together construction terms with building law. Jeremy with his huge knowledge of the FIDIC forms, and adjudication law and the Stacy on design, architecture, buildability, AutoCAD and BIM to name but a few. My contribution was more cross over, the ephemera and a miscellany of facts, laws, technical terms and regulations with a small toe in many camps. Naturally, other big cheeses at Fenwick Elliott have chipped in too!

Anyhow, this book would not have happened without the triumvirate efforts of Stacy and Jeremy, and a smidgen from me, the excellent illustrations are Stacy's own. Our publisher is to be thanked for bearing with us! At times, fee earning has got in the way, and it has been a long road.

For you the dear reader I hope we have got the balance about right and covered what you guys need on the hoof, in battle, on site or working late at your desk when everyone else has gone home.

We know it is not perfect, we have sought to make it up to date as at 15 August 2012.

Simon Tolson
Aldwych

26 September 2012

ABOUT THE AUTHORS

Simon Tolson, senior partner and practitioner at Fenwick Elliott LLP, Chairman of the Technology & Construction Solicitors Association, Chartered Arbitrator and panel Adjudicator. Sometime visiting lecturer to the Centre of Construction Law MSc programme at King's College, London. Ranked by Chambers and Partners UK Guide of Construction Solicitors and Legal 500 UK 2012 in the top first band. Recommended as leader in his field of construction. Since 1986 he has specialised in construction law and the disputes generated by the industry including for the last decade many arising in the process engineering field. For many years he has and continues to run cases at senior level including in the TCC, Arbitration and other fora. In his younger days he worked as a building labourer and still like to get his hands dirty.

Jeremy Glover, a partner at Fenwick Elliott LLP, advises on all aspects of projects both at home and abroad, from initial procurement to where necessary dispute avoidance and resolution. Jeremy is the co-author of *Understanding the FIDIC Red Book*, the second edition of which was published in January 2012 and is the lead editor of *Building Contract Disputes: Practice and Precedents*. Jeremy is a member of the Board of Examiners on the Centre of Construction Law MSc programme at King's College, London where he also teaches on adjudication and FIDIC issues.

Stacy Sinclair, an Assistant Solicitor, advises on a broad range of construction and engineering issues. Before qualifying as a solicitor, Stacy practiced as an Architect, principally designing large-scale projects such as stadiums, hospitals and education buildings both in the UK and the US. Stacy has a particular interest in BIM and its impact on the construction industry and regularly writes for *Building Magazine* and the *RIBA Journal*. Stacy is also a lecturer and oral examiner on the RIBA Part III postgraduate course at a number of universities.

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TABLE OF ABBREVIATIONS AND ACRONYMS

A&E, A/E	Architect and Engineer; Architecture and Engineering
AAC	Autoclaved Aerated Concrete
ABE	Association of Building Engineers
AC	Appeal Cases
ACA	Association of Consultant Architects
ACE	Association of Consulting Engineers
ACoP	Approved Code of Practice
ADR	Alternative Dispute Resolution
AFC	Approved for Construction
AGA	Authorised Guarantee Agreement
AGC	Associate General Contractors of America
AHU	Air Handling Unit
AI	Approved Inspector; Architect's Instruction
AIA	American Institute of Architects
ALARP	As Low as Reasonably Practicable
All ER	All England Reports
ALWC	Accelerated Low Water Corrosion
ANB	Adjudicator Nominating Body
AOD	Above Ordnance Datum
API	American Petroleum Institute
APR	Annual Percentage Rate
ARB	Architect's Registration Board
ASME	American Society of Mechanical Engineers
ASR	Alkali Silica Reaction
AssocRICS	Associate member of RICS
ASTM	American Society for Testing and Materials
BAE	British Academy of Experts
BAFO	Best and Final Offer
BAS	Building Automation System
BATNA	Best Alternative to Negotiated Agreement
BBA	British Board of Agrément
BCB	Building Control Body
BCMS	Building Control and Management System
BERR	Department for Business, Enterprise and Regulatory Reform
BIM	Building Information Modelling
BIMMI	BIM Maturity Index
BIS	Department for Business Innovation and Skills

BLR	Building Law Reports
BMS	Building Management System
BOOT	Build, Own, Operate and Transfer
BOQ, BQ	Bill of quantities
BOT	Build, Operate and Transfer
BRE	Building Research Establishment
BREEAM	BRE Environmental Assessment Method
BS	British Standards
BSF	Building Schools for the Future
BSI	British Standards Institution, Building Systems Integration
BSRIA	Building Services Research and Information Association
BThU, Btu	British Thermal Unit
BWG	Birmingham Wire Gauge
BWIC	Builder's Work In Connection
C&G	City and Guilds of London Institute; Clearing and Grubbing
CA	Contract Administrator; Court of Appeal
CAD	Computer-Aided Design
CAR	Contractor's All Risks policy
CAWS	The Common Arrangement of Work Sections
CBR	California Bearing Ratio
CDE	Common Data Environment
CDM	Construction (Design and Management)
CDP	Contractor Designed Portion
CEDR	Centre for Effective Dispute Resolution
CEN	European Committee for Standardisation
CESSM	Civil Engineering Standard Method of Measurement
CFA	Conditional Fee Agreement
CGCT	Combined Cycle Gas Turbine
Ch	Chancery Division
CIArb	Chartered Institute of Arbitrators
CIBSE	Chartered Institute of Building Services Engineers
CILL	Construction Industry Law Letter
CIMAR	Construction Industry Model Arbitration Rules
CIOB	Chartered Institute of Building
CIS	Construction Industry Scheme
CMC	Case Management Conference
CMU	Concrete Masonry Unit
COB	Close of Business
COBie	Construction Operations Building Information Exchange

COCO	Contractor Owned Contractor Operated
ConLR	Construction Law Reports
ConstLJ	Construction Law Journal
CORE	Cumbrians Opposed to a Radioactive Environment
CORG	The Confederation for the Registration of Gas Installers
COW	Clerk of Works
CPIC	Construction Project Information Committee
CPM	Critical Path Analysis/Method
CPR	Civil Procedure Rules
CPs	Contractor's Proposals
CVA	Company Voluntary Arrangement
CVI	Confirmation of Verbal Instruction
DAB	Dispute Adjudication Board
DB	Decibel; Design and Build Contract; Dispute Board
DBFM	Design Build Finance Manage
DBFO	Design Build Finance Operate
DBO	Design Build Operate
DCLG	Department for Communities and Local Government
DECC	Department for Energy and Climate Change
DfT	Department for Transport
DHW	Domestic Hot Water
DLP	Defects Liability Period
DNO	Distribution Network Operator
DoE	Department of the Environment
DPA	Defective Premises Act
DPC	Damp Proof Course
DPM	Damp Proof Membrane
DRB	Dispute Resolution Board
DRBF	Dispute Resolution Board Foundation
DTI	Department of Trade and Industry
E&OE	Errors and Omissions excepted or excluded
EA	Environment Agency
EAR	Erector's All Risks policy
ECJ	European Court of Justice
EIA	Environmental impact assessment
EJ	Expansion Joint
ELPS	Emergency Lighting Power Supply
EN	European Standard, Euronorm
ENE	Early Neutral Evaluation
EOT	Extension of time
EPC	Engineering, Procurement, Construction
EPS	Emergency Power Systems; Expanded Polystyrene