Book review

The Law of Construction Disputes

Cyril Chern. Informa Law, London, 2010, ISBN 978-1-843-11901-2, £290-00, 678 pp.

Dr Cyril Chern's *The Law of Construction Disputes* is a novel legal reference book, written primarily with the construction law practitioner in mind, and is a solid work on the legal implications of various contractual and tortious circumstances which prevail on many construction projects. Its key attribute, however, is that much of the material presented throughout this book contains relevant and citable passages of judgments from leading cases in order to enable the reader to readily have to hand the appropriate armament for a given situation.

The text begins with a useful, preambulatory section which contextualises subsequent chapters by briefly highlighting the distinguishing features of the different legal systems within which construction projects operate, and hence, construction disputes occur. This introductory part discusses how non-litigation dispute resolution, and in particular, arbitration, has evolved, leading to the prevalence of non-statutory adjudication and the development of the Dispute Board. There then ensues a succinct synopsis of the forms of standard construction contracts, and an introductory note on common procurement routes and payment formats.

The first substantive part of this book then presents much of the contract law doctrinal matter relating to contract formation and what constitutes a binding, enforceable agreement; and continues on to discuss design professionals' contract and tortious duties. The author provides useful information on issues relating to site access and site possession, particularly highlighting the difficulties surrounding unforeseen ground conditions. A short section then looks at the declining role of nominated subcontractors under many standard

conditions of contract; the most common of which, primarily in UK usage, are referred to in some detail.

There is thorough comment on the role of the certifier, with the question of certifier liability to the contractor covered in depth. A strong section on claims covers causation, contribution, liquidated damages, delay versus disruption, and extensions of time, among others.

Then follows the final part of the book, which is essentially a distinct dispute resolution section. Notable in this piece is a lengthy and insightful narrative on dispute boards: their use, attributes, and likely reasons for their apparent success to date.

The appendices which complete this text are, with the exception of the first, verbatim from statutes and dispute board rules or provisions. Running to 200 pages, this does seem somewhat at odds with the added value evident throughout the main text; however, in the spirit of the author's aim of keeping to hand all relevant information for the practitioner, it is quite understandable.

Being authored by an architect as well as barrister, arbitrator, mediator and adjudicator, the well-known Dr Chern offers the reader an interesting and possibly unique perspective in comparison with the leading construction law texts. This is what makes *The Law of Construction Disputes* a very valuable book, whose strengths are in its differences from the leading texts, since it provides a useful, accessible and easily understandable grasp of the relevant legal matter, with appropriate supporting material, without becoming unnecessarily cumbersome. It would not be out of place in the library of either a construction professional involved in the legal aspects of construction, or of a construction lawyer seeking a ready source of relevant material.

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