Book review

CONSTRUCTION ADJUDICATION

HHJ Peter Coulson QC, Oxford University Press, Oxford, 2007,
ISBN 978-0-1992-3550-6, £145.00, 520 pp.

Adjudication under the UK Housing Grants, Construction and Regeneration Act has now been with us for 10 years. Several books have been published in the area, but ever-increasing case law has meant that some of these books are now out of date, although subsequent editions of some of them have attempted to keep pace with the developments.

Peter Coulson's most recent book on construction adjudication provides not only a detailed analysis of the law and practice in the area of construction adjudication, but also benefits from a clear structure that Coulson J has developed from the case law. We have reached the stage where many of the issues arising from construction adjudication have been considered by the courts. Problems and jurisdictional challenges have been considered on many occasions, and it is with some measure of safety that the general principles can be identified, rationalised and discussed. Coulson's approach has been to logically categorise the many issues that can arise and then to discuss the law relating to each of these.

He reviews the statutory process of adjudication before considering contractual adjudication, ad hoc adjudication, and adjudication in other jurisdictions. The scope of an adjudicator's jurisdiction is then considered as well as enforcement, before providing a practical guide to adjudication. The current government review and proposed changes to the 1996 Act are also debated.

It is fundamental that any party considering embarking on adjudication considers enforcement and also the adjudicator's jurisdiction before any action is taken. Parties still continue to launch adjudications without really considering whether they will be able to enforce the decision. Having said that, if the adjudicator has jurisdiction, then the courts are highly supportive and enforcement of the decision is very likely.

One of the benefits of this book is that it concisely covers the many cases relating to adjudication, but rationalises each of them extracting only the novel key principles of each case.

Everyone who is involved in construction and adjudication should not only have this book on their bookshelf, but should also ensure that they read it.

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