

1. Record Nr.	UNINA9910144524103321
Autore	Stephenson Douglas A
Titolo	Arbitration practice in construction contracts [[electronic resource] /] / Douglas A. Stephenson ; foreword by the Lord Saville of Newdigate
Pubbl/distr/stampa	Oxford [England] ; ; Malden, Mass., : Blackwell Science, 2001
ISBN	1-282-34246-0 9786612342462 0-470-69890-X 0-470-69836-5
Edizione	[5th ed.]
Descrizione fisica	1 online resource (298 p.)
Disciplina	343.41078624 343.73078624
Soggetti	Construction contracts - Great Britain Civil engineering contracts - Great Britain Arbitration and award - Great Britain Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references (p. 272) and index.
Nota di contenuto	Arbitration Practice in Construction Contracts; Contents; Foreword; Preface to the fifth edition; 1 Introduction; 1.1 Synopsis; 1.2 Definition; 1.3 Legal framework; 1.4 English law of arbitration; 1.5 Advantages of arbitration; 1.6 Disadvantages of arbitration; 2 Arbitration Agreements; 2.1 Synopsis; 2.2 Definition; 2.3 Separability; 2.4 Agreements to refer; 2.5 Ad hoc agreements; 2.6 Stay of court proceedings; 2.7 Procedural matters; 2.8 Arbitration agreements in standard forms of contract; 3 Appointment of the Arbitrator; 3.1 Synopsis; 3.2 Constitution of the tribunal 3.3 Appointment procedure 3.4 Qualifications of the arbitrator; 3.5 Terms of the arbitrator's appointment; 3.6 Supplying vacancies; 4 Jurisdiction of the Arbitrator; 4.1 Synopsis; 4.2 Power of arbitrator to rule on own jurisdiction; 4.3 Revocation of arbitrator's authority; 4.4 Power of court to remove the arbitrator; 4.5 Resignation of the arbitrator; 4.6 Death of the arbitrator or of the appointing authority; 4.7 Power to conduct the proceedings; 5 The Preliminaries; 5.1

Synopsis; 5.2 English law; 5.3 The preliminary meeting; 5.4 Procedural directions; 5.5 Statements of case
5.6 Amendments to statements of case5.7 Further and better particulars; 5.8 The Scott schedule; 5.9 Disclosure of documents; 5.10 Privilege; 5.11 Transcript of the hearing; 5.12 Arrangements for the hearing; 5.13 Conduct of the interlocutory stages; 5.14 Preliminary questions of law; 5.15 Small claims; 6 Evidence; 6.1 Synopsis; 6.2 Statutes; 6.3 Kinds of evidence; 6.4 Admissibility; 6.5 Privilege; 6.6 Proofs of evidence; 6.7 Calling witnesses; 6.8 Burden and standard of proof; 7 The Hearing; 7.1 Synopsis; 7.2 Attendance; 7.3 Courtesy; 7.4 Challenges to arbitrator's jurisdiction
7.5 Representation7.6 Procedure; 8 TheAward; 8.1 Synopsis; 8.2 Procedure; 8.3 Types of award; 8.4 Format of the award; 8.5 Notification of the award; 8.6 Correction of accidental errors; 8.7 Additional awards; 9 costs; 9.1 Synopsis; 9.2 Statutory provisions; 9.3 Basis of award of costs; 9.4 Offers to settle; 9.5 Failure to award costs; 9.6 Determination of recoverable costs; 9.7 Arbitrator's fees and expenses; 9.8 Interest on costs; 10 Powers of the Court in Relation to the Award; 10.1 Synopsis; 10.2 Enforcement; 10.3 Challenges to the award; 11 Dispute Avoidance and Management; 11.1 Synopsis 11.2 Contract documents11.3 Basic contract law; 11.4 The construction period: records; 11.5 Claims; 11.6 Adjudication; 11.7 Disputes; 11.8 Appointment of the arbitrator; 11.9 Choice of advocate; 11.10 Offers to settle; Appendices; A Specimen documents:; SD/1 Ad hoc arbitration agreement; SD/2 Application for stay of court proceedings; SD/3 Exclusion agreement; SD/4 Notice to refer and notice to concur; SD/5 Application to President to appoint an arbitrator; SD/6 Notice of appointment; SD/7 Terms of appointment; SD/8 Agenda for preliminary meeting; SD/9 Procedural directions
SD/10 Statement of claim

Sommario/riassunto

Since it came into force on 31 January 1997 the Arbitration Act 1996 has generally been welcomed by users and practitioners in the construction industry. It has fulfilled expectations that it would provide a user-friendly and practical basis of resolving disputes arising from construction contracts in a fair, expeditious and economical way. In doing so it has generated a modest volume of case law that has demonstrated the excellence of the Act's provisions and its drafting. Since the Fourth Edition of this book appeared in 1997 the Housing Grants, Construction and Regeneration Act 1996 wi
