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Nota di contenuto	Contents; Preface; Abbreviations; Chapter 1: Definition and Categorisation of Defects; 1.1 Definition of 'defect'; 1.2 Qualitative defects; 1.3 Patent/latent defects; 1.4 Reasonable examination; 1.5 Importance of the distinction between patent and latent defects; 1.6 The 'purchaser', the 'project team' and other terminology; Chapter 2: Common Law, Statutory and Contractual Rights; 2.1 Common law; 2.2 Statute; 2.3 Contractual rights; Chapter 3: Contracts: An Overview; 3.1 Function; 3.2 The basics; 3.3 Express terms; 3.4 Implied terms; 3.5 Exclusion of implied terms; 3.6 Exclusion clauses 3.7 Risk allocation 3.8 Model conditions of contract; Chapter 4: No Contract/Restitution; 4.1 Restitution; 4.2 Restitution and defects; Chapter 5: Letters of Intent; 5.1 Function; 5.2 Legal analysis; 5.3 The implications where defects occur; Chapter 6: Tort: An Overview; 6.1 Negligence; 6.2 Complex structures; 6.3 Economic harm; 6.4 Builders and professional consultants; Chapter 7: The Defective Premises Act 1972; 7.1 Application; 7.2 Fitness for habitation; 7.3 Exclusion; Chapter 8: Third Party Rights; 8.1 The exception; 8.2 Agency; 8.3

Assignment; 8.4 Novation

8.5 Statutory third party rights8.6 Collateral contracts; 8.7 Tort; Chapter 9: Statutory Requirements; 9.1 The Building Act 1984; 9.2 Building regulations; 9.3 Construction products; 9.4 Workplace safety regulations; 9.5 CDM regulations; 9.6 The relationship with contractual obligations; Chapter 10: The Builder's Obligations: Design, Workmanship and Materials; 10.1 Buildability, durability and maintenance; 10.2 Workmanship; 10.3 Materials; 10.4 Design; Chapter 11: The Builder's Obligations: Defects Before Completion; 11.1 Temporary disconformities; 11.2 Opening up the work 11.3 Defects and interim paymentChapter 12: The Builder's Obligations: Defects at Completion; 12.1 Scope of work to be completed; 12.2 Completion; 12.3 Snagging; 12.4 The effect of practical completion; 12.5 The ICE, NEC3 and MF1 conditions; 12.6 The JCT Major Project Construction Contract; 12.7 The provision of information prior to practical completion; Chapter 13: The Builder's Obligations: Defects Post Completion; 13.1 The common law; 13.2 Defects liability period; 13.3 Retention money; 13.4 Retention bonds; 13.5 Final certificates; Chapter 14: The Professional Team 14.1 Membership of a professional body14.2 The structure of the team; 14.3 Duties; 14.4 Buildability, durability and maintenance; Chapter 15: Architects and Engineers; 15.1 Design; 15.2 Selecting builders and other specialists; 15.3 Supervision; 15.4 Periodic inspection; 15.5 Certification; 15.6 Design review; 15.7 Defects investigations; 15.8 Honest reporting; 15.9 Termination of performance; Chapter 16: Project Managers, Surveyors and Others; 16.1 Project managers; 16.2 Quantity surveyors; 16.3 CDM coordinators; 16.4 Clerk of works/engineer's representative; Chapter 17: Compensation 17.1 Abatement

Sommario/riassunto

Defective construction work, whether the result of inadequate design, faulty workmanship or poor materials - or some combination of these failings - is a frequent cause of legal disputes. Someone is usually to blame, either the builder or one or more of the professional consultants, or even the entire project team. It is important therefore that the project team should possess a good working knowledge of their responsibilities and liabilities. Written by a solicitor with over twenty years of experience of building disputes, this book examines the responsibilities and liabilities of the proje