
Contents

Preface	vii
PART I – FORMATION OF THE CONTRACT	1
1 Letters of Intent	3
2 Costs of Tendering	9
3 Tenders and Estimates	14
4 Incorporation of Documents	20
5 Completion of the Contract	43
PART II – PERFORMANCE OF THE CONTRACT	59
6 The Contractor’s Obligations	61
Design	61
Materials and workmanship	74
Progress and completion	92
Indemnities and insurance	95
7 The Employer’s Obligations	133
Possession of site	133
Time and extent of possession	133
Site conditions	137
Co-operation	142
Instructions	151
Payment	154
Lump sum contracts	155
Other contracts	158
Retention	159
Quantum meruit	162
Set-off	165
Miscellaneous	176
Nomination of sub-contractors and specialists	176
Objection to nominees	176
Displacement of implied terms	177
Form of sub-contracts	177

Effect of failure	177
Default in supply of goods	178
8 Ownership and Vesting of Materials	180
Materials and goods	180
Vesting clauses	185
9 Acceptance and Defects	187
10 Approval and Certificates	191
General	191
Nature and effect of certificates	204
Recovery without certificate	226
11 Variations	228
12 Damages for Breach of Construction Contracts	246
13 Prolongation and Disruption Claims	272
14 Liquidated Damages and Extensions of Time	319
Liquidated damages	319
Extensions of time	336
Interpretation of provisions	351
PART III – DISCHARGE OF THE CONTRACT	353
15 Release	355
16 Frustration	358
17 Illegality	365
18 Forfeiture Clauses, Repudiation and Determination	369
19 Limitation	388
The Limitation Act 1980	388
Latent Damage Act 1986	391
PART IV – SUB-CONTRACTS AND SUB-CONTRACTING	399
20 Assignment and Sub-letting	401
21 Domestic Sub-contractors	411
22 Nominated Sub-contractors	414
PART V – BUILDING CONTRACTS AND THE LAW OF TORT	441
23 Building Contracts and the Law of Tort	443
Table of Cases	467
Index	485