Book reviews

Defective Construction Work

Kevin J. Barrett

Wiley-Blackwell, Oxford; 2008: ISBN 978-0-632-05929-4; 224pp; £65. 00; hard-back

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‘Defective Construction Work’ is available in hardback from Wiley-Blackwell Publishers, and deals from a legal perspective with the issues of assigning blame and pursuing a legal action resulting from faulty design, poor workmanship or other activity resulting in defective construction. The stated aim of the book is to afford the whole project team a working knowledge of this area of liability, should defence of an action be required. The reviewer however viewed this work as perhaps as much value to the property owner contemplating recovery action in respect of defective construction work, and the student of construction seeking specialist overview knowledge. The author Kevin Barrett is a lawyer of 20 years experience of such disputes and that experience is evident in the book.

The book starts by defining what a defect is and categorising defects into Patent and Latent and examining how each can reasonably be examined. As a non-legal practitioner, but by trade at least, one of the target audience the reviewer found this opening chapter very informative, easy to understand and pitched at a perfect level. Following this the various forms of law under which an action for defective construction may be instigated are explained, along with the legal standard that each seeks to uphold. Once again the non-lawyer is informed and educated without being patronised, as occasionally occurs in books on legal issues.

Builder’s obligations are reviewed in terms of contract, statutory regulation and common law standard. The book makes the important point that in terms of construction work a builder has, by virtue of relied upon expertise, conduct obligations beyond those of the man on the Clapham Omnibus. Another interesting point made is the obligation to warn, rather than just build potential defects by sticking to the provided plans and specifications. Without resorting to complicated explanation the author puts across the complexity of professional responsibility.

As individual readers are likely to be of a specific professional or trade discipline, the book seeks to specify areas of possible liability particular to that discipline. This then develops into an explanation of the forms of remedy open to the property owner following the successful pursuance of a claim for construction defects. In conclusion, the mechanics of dispute resolution are examined, including both arbitration and adjudication.

The reviewer is unaware of how many current volumes cover this area of law. Looking at this volume in isolation, as the only such text the reviewer has studied, he must conclude that this scores well as being both an informative text for the construction practitioner, and also a valid law textbook, full of cited case laws. The reviewer being generally not in the habit of reading law textbooks for fun did however find this book both interesting and informative. It is well crafted, well organised and appears comprehensive.

The reviewer would recommend it to anyone of any level wanting to become more enlightened about this specific branch of legal dispute; however, with a cover price of £65 it is the one that only committed practitioners might wish to permanently add to their collection.

Simon Mclean
Managing Editor