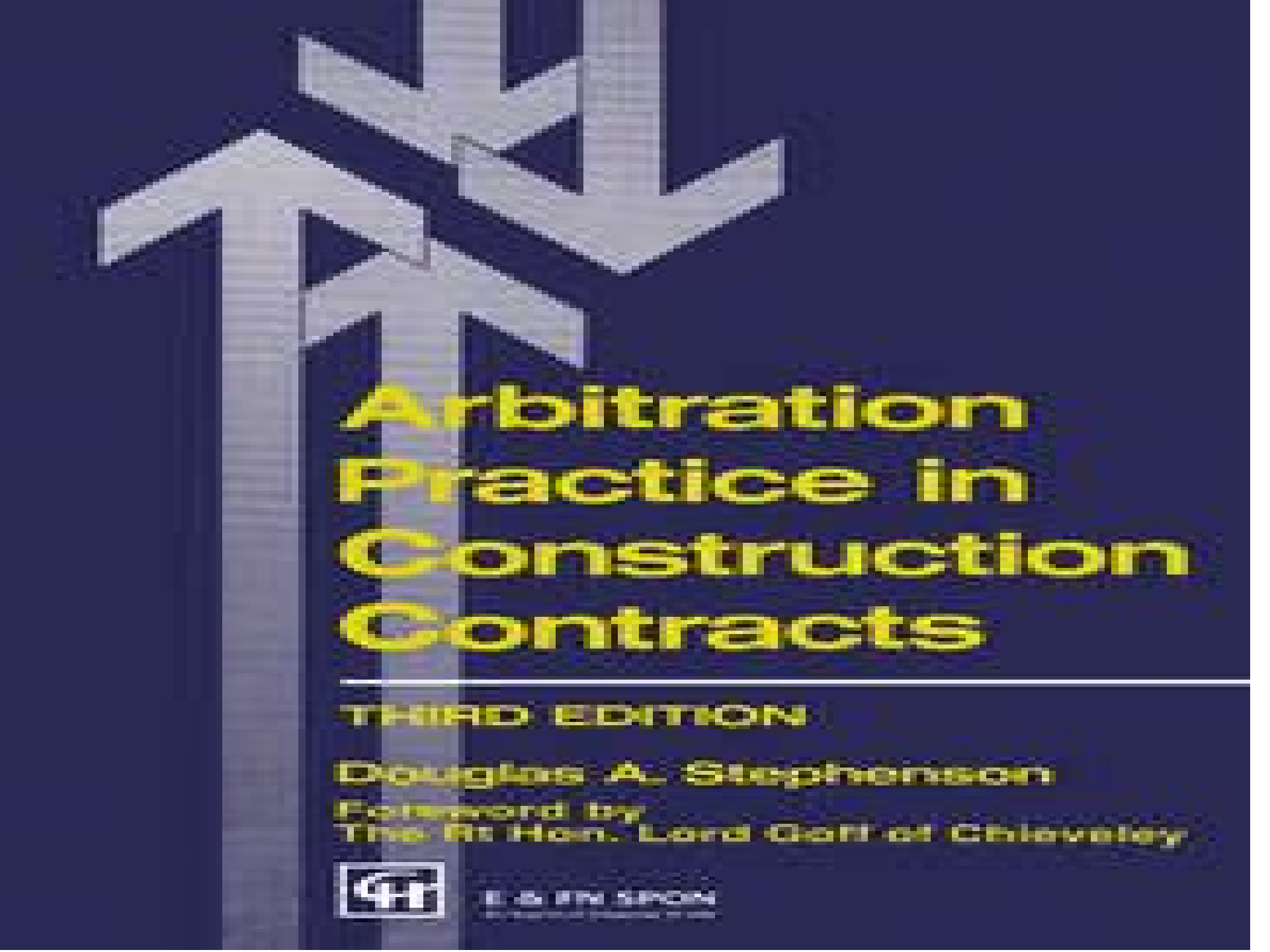




Arbitration Practice in Construction Contracts

THIRD EDITION

Douglas A. Stephenson

Foreword by
The Rt Hon. Lord Goff of Chieveley



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Douglas Stephenson



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Arbitration Practice in Construction Contracts Douglas S. Stephenson, 2008-04-30 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 with its Scheme for Construction Contracts Regulations 1998 have come into force as have the Civil Procedure Rules 1998 both of which affect the resolution of disputes arising from construction contracts Case law has arisen from the Construction Act and from the House of Lords judgment in the Beaufort Developments case overturning the much criticised judgment of the Court of Appeal in Crouch In this Fifth Edition of an established text the author deals with each stage of an arbitration explaining in practical terms the procedures to be adopted in avoiding disputes and in dealing with them efficiently when they do arise It features over 20 specimen arbitration documents and includes the full text of the Act It also covers several important developments in case law affecting construction arbitrations and refers to the introduction and case law arising from adjudication under the Housing Grants Construction and Regeneration Act 1996 **Arbitration Practice in Construction Contracts** Douglas S.

Stephenson, 2001-03-30 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 with its Scheme for Construction Contracts Regulations 1998 have come into force as have the Civil Procedure Rules 1998 both of which affect the resolution of disputes arising from construction contracts Case law has arisen from the Construction Act and from the House of Lords judgment in the Beaufort Developments case overturning the much criticised judgment of the Court of Appeal in Crouch In this Fifth Edition of an established text the author deals with each stage of an arbitration explaining in

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Construction Arbitration and Alternative Dispute Resolution Renato Nazzini, 2021-10-21 This book provides comprehensive rigorous and up to date coverage of key issues that have emerged in the first quarter of the 21st Century in transnational construction arbitration and alternative dispute resolution ADR Covering four general themes this book discusses the increasing internationalisation of dispute resolution in construction law the increasing reliance on technology in the management of construction projects and construction arbitration ADR the increasing prominence of collaborative contracting in construction and infrastructure projects the increasing importance of contractual adjudication such as dispute boards in construction and infrastructure projects the increasing prevalence of statutory adjudication mechanisms across the world and the greater incidence of investment disputes and disputes against States and State entities over construction and infrastructure concessions and agreements Tapping on their substantial expertise in practice and in research the contributor team of senior practitioners and academics in the area of construction law and dispute resolution provide readers with information that balances an intellectually rigorous academic contribution against the backdrop of real concerns raised in practice Construction Arbitration and Alternative Dispute Resolution is an invaluable resource for practitioners in the field academics in arbitration and construction law and post graduate students in construction law and dispute resolution

International Construction Arbitration Law Jane Jenkins, 2021-02-10 Arbitration in Context Series Volume 1 There is probably no area of activity more in need of reliable dispute resolution procedures than construction projects especially if more than one jurisdiction is involved The third edition of this eminently practical guide greatly facilitates the process for all parties concerned The text updated to include the latest edition of arbitral rules and introducing the Prague Rules considers the full range of available dispute resolution methods including mediation conciliation and determination by dispute review boards before focusing specifically on arbitration The book then looks in detail at all aspects of arbitration from commencement of proceedings selection of the tribunal through preparation and collection of the evidence necessary in complex construction cases to common procedural issues the conduct of the hearing the effect of the award challenges to it and its enforcement The third edition addresses fresh thinking on MedArb guidance on preparation for and conduct of virtual hearings in the wake of COVID 19 technological advances to assist collection and presentation of evidence litigation funding and includes a new chapter on the role of arbitration in tender disputes Specific valuable features include the following guidance on the drafting of dispute resolution provisions designed to minimise disputes and facilitate their swift resolution flowcharts to illustrate the stages in dispute procedures and arbitration a comparison between common law and civil law approaches to key concepts

details of the key features of a construction contract common standard forms and procurement structures expert guidance on effective contract administration step by step advice on the conduct of a construction arbitration to maximise efficiency and coverage of particular issues thrown up by complex construction disputes which differentiate them from other commercial disputes with guidelines on how to approach such issues in the presentation before a tribunal As an easy to use resource for both general counsel and the lawyers in private practice this book has no peers It has proved to be of particular value to commercial contract negotiators and corporate counsel who may have many years of experience but have not had to live through a construction dispute or manage a construction contract during the life of a project Lawyers in private practice embarking on a construction dispute for the first time will also find this book of value as will students of dispute resolution

AAA Handbook on Construction Arbitration and ADR - Second Edition American Arbitration Association, 2010-10-01

Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook begins with chapters on specific strategies and tools to help manage risks and avoid disputes in the construction field It discusses ADR as it relates to subcontracting and labor disputes the use of a neutral architect the importance of site visits and the significance of understanding ADR procedures before agreeing to them The option of using mediation to resolve disputes is explored including guidelines and tools for successful mediation the expert's role in construction mediation and what works and what doesn't work in construction disputes The use of arbitration is also looked at in depth and guidance is provided for both the arbitrator and for the advocate There is an entire section devoted to partnering the creation of a working relationship between a building owner and a contractor which further involves subcontractors design professionals and other agencies discussing its benefits and providing useful tips Lastly advice is provided for both small and complex construction claims and the use of Dispute Review Boards comprising panels of three technically qualified neutral individuals The chapters were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field

Decision-making in International Construction Arbitration Haytham Besaiso, 2023-10-03 This book contributes to the empirical understanding of how arbitrators make their decisions on the substance of commercial disputes arising from international construction projects It is based on in depth interviews with 28 international construction arbitrators and on the analysis of dozens of international construction arbitration awards The combined experience of those who participated in the author's research amounted to hundreds of international construction arbitrations 300 cases in addition to several hundred international commercial arbitrations It presents the results of the first and largest research to

be undertaken in this area and it will be useful to arbitration practitioners and scholars and to the wider audience of dispute resolution students practitioners and theorists In turn the book examines to what extent international arbitrators apply the law as the substantive norm providing an explanation for that and then offers insights into whether arbitrators in fact lean towards commercial and transnational norms to construe the parties contract before discussing to what extent international arbitrators take into account fairness considerations to reach their decisions on the merits of the parties claims The book also examines to what extent international arbitrators apply mandatory rules of foreign law Lastly it provides insight into the effect of arbitrators background characteristics on their decisions Written for arbitration practitioners arbitrators and legal counsel and scholars the book will be useful for both experienced arbitrators and those starting their arbitration career or studying for their arbitration qualification It will also be useful for project professionals involved in contract management and dispute resolution

Resolving Construction Disputes Diana Holtham,Victoria Russell,Diana Hird,1999 Summary This book examines how disputes arise in the construction industry and suggests ways of avoiding them by identifying problem areas It introduces the principal means of dispute resolution litigation arbitration ADR and adjudication it explains how each operates and considers the advantages and disadvantages of each method The book is written in a straightforward approach and is clear concise and practical It has been prepared by a team of lawyers who work for one of the leading law firms engaged in this area The book is aimed at all of the professions engaged in the construction industry Contents Introduction Dispute avoidance Litigation Arbitration Alternative dispute resolution Adjudication

Dispute Resolution in the Construction Industry Nicholas Gould,1999 The challenges facing all members of the construction industry are enormous but not unachievable I am confident that the ACE Client Guide 2000 will help all members of the construction industry whether consulting engineers architects surveyors contractors and their clients better understanding the challenges facing us and encourage appropriate action to be taken Jim Dawson ACE Chairman 1999 2000 Providing an overview of the market its structures and external influences this invaluable guide will help members of the construction supply chain to understand their clients business needs and equip them to invest appropriately for current and future market developments and take advantage of emerging opportunities The ACE Client Guide 2000 has been prepared in the light of feedback on the first edition which was published in November 1998 and developments both within the construction industry and in the wider economy over the past 12 months the facts perceptions commentary and sources set out in the ACE Client Guide 2000 provide a basis for individual firms to examine What to do Why they do it How they do it How well they do it Where improvements could be made How such improvements could be achieved

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