

CONSTRUCTION LAW

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★ NEW TITLES



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Construction Law Handbook – 2007 edition

Sir Vivian Ramsey QC, Justice of the High Court, Jenny Baster, Group Legal Director, Arup, Ann Minogue, Partner, Linklaters and Michael O'Reilly, Managing Partner, Adie O'Reilly LLP

This annually updated legal reference is the standard on construction law, providing up-to-date, clear and easily accessible information in a single volume. This authoritative resource addresses the most important construction law issues for the engineering professional in a practical manner and delivers guidance and a breadth of knowledge that is unrivalled by any other publication to provide subscribers with the following benefits annually:

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 - Construction health and safety
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Construction Law Handbook

Online plus Print

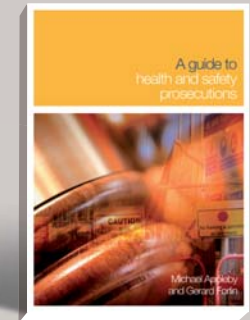
Sir Vivian Ramsey QC, Justice of the High Court, Jenny Baster, Group Legal Director, Arup, Ann Minogue, Partner, Linklaters and Michael O'Reilly, Managing Partner, Adie O'Reilly LLP

Construction Law Handbook is now available online at www.constructionlawhandbook.com or accessible through company intranets to enable flexible and convenient access to the entire electronic version of the book, a table of cases and newsletter archives. For ease of use and access to specific information, it comes with content and index search capabilities that allow you to find exactly what you are looking for by linking your search results to full text chapters or parts of the reference that relate to your request.

The annual subscription to Construction Law Handbook – Online includes:

- full online access to the entire 1000 page book, updated with cutting edge information in real-time
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- six newsletters throughout the year of subscription

★ NEW TITLES



April 2007
Hardbound
268 pages
210 x 148 mm
9780727734815
£35.00

A Guide to Health and Safety Prosecutions

M. Appleby, Solicitor, Fisher Scoggins LLP
G. Forlin, Barrister, 2-3 Gray's Inn Square

Written against the backdrop of increasing fines for health and safety offences against companies and individuals, this practical guide provides directors and managers with straight forward and practical advice on relevant issues.

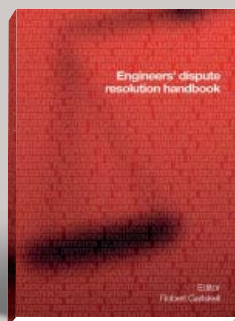
The authors explain the law surrounding health and safety prosecutions and analyse the practical issues involved in such prosecutions. It covers manslaughter prosecutions of individuals and companies along with an analysis and explanation of the Corporate Manslaughter Corporate Homicide Bill, which is currently making its way through Parliament and is expected to become law sometime in 2007.

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| ■ Levant Mine Disaster 1919 | ■ Manslaughter |
| ■ Enforcement | ■ Sentencing |
| ■ RIDDOR | ■ Investigation |
| ■ Prosecuting Employers/Companies | ■ Inquests |
| ■ Prosecuting Individuals | ■ Experts |
| ■ Risk, Risk Assessment and Risk Management | ■ Funding |
| ■ Directors' Duties | ■ Going to Court |
| ■ Regulations | ■ Judicial Review |
| ■ Occupational Road Risk | ■ Human Rights |
| | ■ Environmental Law |
| | ■ When an Incident Occurs |

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August 2006
Hardbound
176 pages
234 x 156 mm
9780 7277 3450 1
£35.00



Engineer's Dispute Resolution Handbook

R. Gaitskell, Q.C. *Keating Chambers*

The purpose of this book is to serve as the engineer's guide when a dispute does arise. It is an intensely practical and useful book. It avoids legal jargon and sets out, in straightforward language, how the engineer can avoid disputes, if at all possible, and how to cope with them if they cannot be avoided. This book is written by a team of specialists from Keating Chambers. Many of the authors are themselves Chartered Engineers, and one is a Building Surveyor.

Contents

- Avoiding disputes
- When disputes arise
- Litigation
- Arbitration
- Adjudication
- Mediation
- Expert determination
- Early neutral evaluation
- International dispute resolution (including DRBs)
- Immediate help
- Conclusion

February 2006
Paperbound
30 pages
297 x 210 mm
9780 7277 3465 5
£15.00



ICE Arbitration Procedure 2006

Institution of Civil Engineers

The ICE Arbitration Procedure 2006 has been written to meet an industry demand for the adoption of more appropriate arbitration options for resolving disputes. This revised Procedure will be familiar to users of the ICE Arbitration Procedure 97 but has been updated to ensure that all parties adopt a more appropriate procedure that will reduce time and costs. In this revised procedure the Documents Only Procedure is used on low value disputes, the Expedited Procedure (time limited) on medium value disputes and the standard arbitration procedure is used on high value disputes. A table that sets out a value of dispute band against the procedure to be used is also included in the procedure.

Contents

- Acknowledgement
- Arbitration Procedure (2006)
- Objectives, references and appointment
- Arrangements for the arbitration
- Control of the proceedings
- Procedures before the hearing
- Procedure at the hearing
- Short procedure
- Expedited procedure
- Special procedure for experts
- Awards
- Miscellaneous
- Table 1
- Sample documents

May 2006
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408 pages
234 x 156 mm
9780 7277 3441 9
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FIDIC User's Guide 2nd edition

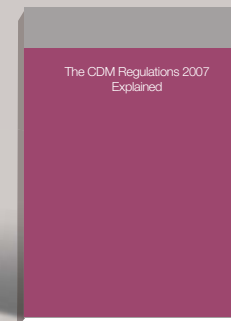
B. W. Totterdill, *Consulting Engineer*

The FIDIC Conditions of Contract for Construction and The Conditions of Contract for Plant and Design-Build (known as the '1999 Red Book' and the '1999 Yellow Book') have rapidly gained acceptance throughout the international construction industry. During 2005, FIDIC and the multilateral development banks cooperated to publish the 'MDB Harmonised Conditions of Contract for Construction'. This book is a revised and extended edition of the author's user guide to the 1999 Red Book. All three of these Conditions of Contract are reviewed in detail, together with additional notes on problems observed from the use of the 1999 FIDIC Contracts.

Contents

- Introduction to the FIDIC Conditions of Contract
- Comparison between the different FIDIC Conditions of Contract
- The 1999 FIDIC Red and Yellow Books
- Claims and dispute procedures
- Flow charts
- Review of each clause in the Red and Yellow Books
- Appendices
- Sub-clause comparisons

July 2007
Paperbound
352 pages
210 x 148 mm
9780 7277 3496 9
£50.00



The CDM Regulations 2007 Explained

R. Joyce, *chartered civil engineer and solicitor of the Supreme Court.*

This book is a comprehensive guide to the obligations of all the parties to a construction project under the new CDM Regulations 2007. It gives a detailed analysis of the individual roles of each party and sets out a checklist to assist practitioners in complying with their obligations.

In line with the new regulations this new book now incorporates the provisions for health, safety and welfare on construction sites. It also addresses the difficult topics of general principles and competence, the consequences of breach of the Regulations and the transition arrangements up to April 2008.

Contents

- Framework of health and safety law
- An overview of the Regulations
- General principles
- Considerations for the welfare of workers
- Consideration for hazardous operations
- Competence and resources
- The client
- The designer
- The co-ordinator
- The principal contractor
- Contractors
- The construction phase plan
- The health and safety file
- Project documentation and contractual liability
- Criminal and civil liability and enforcement
- Transitional provisions



2005
Paperbound
36 pages
297 x 210 mm
9780 7277 3352 8
£10.00

Dispute Resolution Board Procedure

Institution of Civil Engineers

The ICE has drafted this procedure for use with all standard forms of contract in the UK and internationally. Two alternative procedural rules are contained in this document. One is for international projects and UK contracts, which are not subject to the provisions of the Housing Grants, Construction and Regeneration Act 1996 (the Act) and the other is in full compliance with the Act.

CONTENTS

- Procedural rules – alternative one
- Procedural rules – alternative two
- Dispute Resolution Board Agreement – Tripartite Agreement (TPA)
- Application for the appointment of a DRB member or chairman
- Requirements and application procedures for persons wishing to be considered for inclusion in the Institution's list for Dispute Resolution Board Members
- Board members' continuing professional development



2002
Hardbound
320 pages
234 x 156 mm
9780 7277 3165 3
£50.00

Quantifying and Managing Disruption Claims

H. Lal, *Freshfields Bruckhaus Deringer, Construction and Engineering Group*

Claims involving disruption are commonly accepted to be the most difficult to quantify. Disruptions that occur during a working day can lead to productivity loss, which in turn, can lead to time and cost overruns. If the disruption consumes the entire float in an activity, then disruption can cause a delay to project completion and lead to claims for extensions of time. Contractors of all tiers, concerned that they have lost money, troubled by the threat of liquidated damages or simply because the conditions of contract allow, submit claims for loss/expense and (in the worst-case scenarios) extensions of time. The accurate quantification of the time and cost effects of such disruption is typically prevented because the role of labour/resource productivity is not fully recognised, site labour productivity is not correctly measured (if at all) and, finally, because the relationship between the bill of quantities items (cost) and programme activities (time) is not direct or transparent.

The solution proposed in this book is to integrate cost and time to develop a site labour productivity measurement system whereby claims involving disruption can be objectively and automatically quantified. It is a practical text that challenges the current construction industry cost and time estimating methods, demystifies the measurement of site labour/resource productivity and – in line with the Society of Construction Law Delay and

Disruption Protocol launched in October 2002 – puts forward a rational and sufficiently accurate method of quantifying the effects of disruption in terms of both cost and time. Through the use of the solution on four very different demonstration construction projects, this book provides worked examples and tangible evidence of how the solution is designed to operate in practice.



2004
Hardbound
216 pages
234 x 156 mm
9780 7277 3275 0
£35.00

The Practical Guide to Waste Management Law

R G P Hawkins MA Barrister FCIWM FRGS
FRSA, *International Environmental Lawyer*
and H S Shaw BEng PhD, *Gifford & Partners*
and *School of Civil Engineering & the Environment, University of Southampton*

New environmental legislation continues to flow in from both Europe and Westminster. The new Planning and Compulsory Purchase Act 2004 with its implications for regional environmental decision-making, the new Permitting Regime, the Waste Emissions Trading Act 2003, the implications of the Water Act 2003, the Household Recycling Act 2003, the introduction of controls for Agricultural Waste in 2004-5, and the ELV, the WEEE and the RoHS Regulations all have to be understood and new training undertaken.

The commercial and environmental effects of these new laws and practices are explained with reference to relevant websites, to aid the reader to find further details and hopefully solutions to environmental difficulties which will be the responsibility of the Environment Agency, SEPA, Local Authorities, the Health and Safety Executive, the Vehicle Operator Services Agency, Customs and Excise and other named agencies.

This book is intended primarily for engineers, surveyors, building contractors, accountants, geologists, environmental scientists, insurers and controllers of financial liability, transportation managers, local and central government regulators and enforcers – and of course, all who produce, manage, transport, reuse, reclaim and recycle waste.



2003
Paperbound
352 pages
234 x 156 mm
9780 7277 2999 6
£45.00

Scottish Engineering Contracts

G. Parry and S. Johnston,
McGrigor Donald

This book provides – in one concise, practical volume – a basic guide to the principles of Scottish law as it relates to engineering contracts and focuses on those clauses most frequently encountered in everyday industry life. Avoiding legalese and jargon, the book also reviews key features of commonly used standard forms of engineering contracts, such as the *ICE Conditions of Contract 7th Edition* and the *CECA Form of Sub-Contract*.

An important feature of this book is its detailed chapter on environmental law, one of the fastest growing and increasingly legislated areas of law in the United Kingdom. A rudimentary knowledge of environmental law is particularly important in the engineering sector where the interface between the environment and engineering works is often acute.

Scottish Engineering Contracts will provide professional engineers, surveyors and commercial management staff in construction and engineering companies or client organisations with a readable, accurate and practical guide to the law. It will also prove to be an invaluable aid for anyone who is involved in the preparation of, or has to provide comment or guidance on, engineering contract documentation.



2004
Hardbound
256 pages
234 x 156 mm
9780 7277 3000 8
£45.00

Payment Under Construction Contracts Legislation

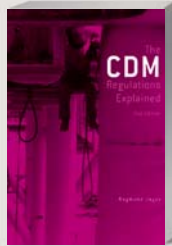
R. Pettigrew, *Heating and Ventilating Contractors' Association*

This is an authoritative and up-to-date review of current construction industry payment practices under Part II of the Housing Grants, Construction and Regeneration Act 1996. It provides clear and practical guidance on some of the key features of the Act, notably the payment procedures and corresponding structures. With hands-on, in depth experience in this crucial field, the author is well qualified to advise on the law and practice in this area.

This book will be invaluable to construction professionals who need a practical understanding of the operation of the Act.

CONTENTS

- The economic and statutory background
- The legal and contractual background
- How the Act works in practice
- Section 109 and the entitlement to stage and other payments
- Section 110 – the adequate payment mechanism and the five-day notice
- Section 111 and the withholding notice
- Section 113 and the prohibition of conditional payment provisions
- Section 112 and the right of suspension
- Applying the payment provisions of the Scheme for construction contracts
- The link to other statutory remedies and procedures
- Late payment – is it a continuing problem and what is next?
- Appendices
- Bibliography



2002
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356 pages
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CDM: Questions and Answers

A practical approach
2nd edition

P. Perry, *Perry Scott Nash Associates*

Many years after implementation, the Construction (Design and Management) Regulations 1994 (CDM) still cause confusion to many involved with construction projects. Often, regulations are wrongly interpreted and over-exaggerated. While overall, health and safety on construction sites has improved over the years, recent statistics indicate an upward trend in fatalities.

With prosecutions under the CDM Regulations becoming the norm; the Health and Safety Executive is increasing its resolve to improve conditions on construction sites. To this end, the Health and Safety Executive has published a revised Approved Code of Practice (ACOP): Managing Health and Safety in Construction – HSG 224 to assist with improving the understanding of CDM Regulations. *CDM questions and answers: A practical approach.*

2nd edition has been substantially rewritten and reformatted and now provides:

- one of the first books to reference the revised ACOP
- all questions have been revised and new questions added, clarification of the ACOP is provided within the questions where appropriate
- a quick reference guide, now divided into five parts, with twenty chapters in total
- appendices have been included to give every day working forms and templates
- the contents pages list questions in sequence for each chapter and all questions are listed alphabetically at the end of the book
- revised in layout to address key stages of a project rather than key duties



2003
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176 pages
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Health and Safety: Questions and Answers

A practical approach

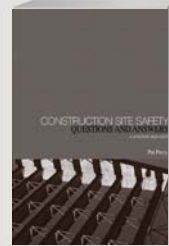
P. Perry, *Perry Scott Nash Associates*

The amount of knowledge required on the subject of health and safety is constantly growing as new and revised laws are implemented, best practice improves, guidance changes, etc. The subject range is broad and each chapter deals with a specific health and safety topic, with a practical, no-nonsense approach. Legal requirements are covered, as is best practice, approved codes of practice and latest guidance. Often a quick reminder of an employer's key responsibilities is all that is needed and this book will provide an invaluable easy reference guide for those everyday questions.

The book is aimed at everybody who needs to know something about health and safety matters, from company directors to shop-floor supervisors. It will also be an invaluable reference tool for health and safety managers, facilities managers and others.

CONTENTS

- Accidents and incidents
- First aid
- Manual handling
- Hazardous substances
- Asbestos
- Noise, vibration, upper-limb disorders
- Display screen equipment
- Workplace facilities
- Smoking at work
- Fire safety
- Safe systems of work
- Managing contractors
- Electrical safety
- Risk assessments
- Personal protective equipment
- Criminal investigations, civil claims
- Legionnaires' disease
- Young workers, pregnant workers



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232 pages
210 x 148 mm
9780 7277 3233 0
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Construction Safety: Questions and Answers

A practical approach

P. Perry, *Perry Scott Nash Associates*

This book presents information in a no-nonsense style and provides practical solutions to every day site safety issues. Where applicable, new legislation is covered and references to the latest HSE guidance notes and approved codes of practice are made throughout the book. Various pro-forma's, templates and checklists are included as appendices.

The book is aimed at site agents, site managers, project managers, site supervisors and anyone else who needs to have a quick reference guide to basic site safety issues.

CONTENTS

- Introduction
- Legal overview
- Site welfare facilities
- Access/egress to site
- Vehicles/transport
- Excavations
- Working at heights
- Personal protective equipment
- Electrical safety
- Hazardous substances
- Risk assessments
- Manual handling
- Noise and vibration
- Management of health and safety
- Fire safety



2003
Paperbound
228 pages
210 x 148 mm
9780 7277 3239 2
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Fire Safety: Questions and Answers

A practical approach

P. Perry, *Perry Scott Nash Associates*

Fire safety is one of the most important aspects of health and safety to get right as the consequences of not doing so can be catastrophic in both terms of human life and business cost.

Each chapter covers an aspect of fire safety and information is relayed in a practical and pragmatic way so that the reader will know what to do and how to do it. Fire safety legislation has been under review for quite a considerable time and a new approach is anticipated during 2004. This will be focused much more on fire risk assessments and will place a much greater emphasis on "self regulation" by employers. This book aims to provide much of that basic know-how information.

The book is aimed at a wide audience, saying from company directors to fire wardens and will provide practical information on managing fire safety.

CONTENTS

- Introduction to fire safety
- Legal framework
- Fire certificates
- Fire risk assessments
- Fire safety in workplaces
- Hazardous/flammable materials
- Fire safety training
- Fire precautions
- Fire prevention methods
- Special premises
- Fire safety during refurbishment works
- Miscellaneous



2003
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270 pages
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9780 7277 3238 5
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Risk Assessment: Questions and Answers

A practical approach

P. Perry, *Perry Scott Nash Associates*

The term 'risk assessment' is all too familiar in business and applies not only to health and safety but also other business processes. The Turnbull Report focused the minds of many businesses on risk management, but while we may know that we must undertake risk assessments in health and safety, there is often a lack of knowledge and understanding on how to do it and what is "suitable and sufficient".

Each chapter covers a key health and safety area and the approach to risk assessment is outlined in a series of questions – how, what, why, when? – and solutions and approaches given to understanding the legal requirements and how to implement them. References are made throughout to HSE approved codes of practice, best practice guidance and industry specific guides. The book is aimed at everyone from company directors through to someone who needs to assume the competent person's role in undertaking health and safety responsibilities.

CONTENTS

- Introduction
- Legal framework
- The Management of Health and Safety at Work regulations 1999
- Control of substances hazardous to health and dangerous explosive substances
- Manual handling
- Noise
- Display screen equipment
- Work equipment and work practices
- Persons with special needs
- Personal protective equipment
- First aid
- Worked-related upper limb disorders
- Fire Safety
- Design risk assessments

FIDIC FORMS OF CONTRACT >

The FIDIC Digest

Contractual claims and responsibilities under the 4th edition of the FIDIC Conditions

J. G. Sawyer and C. Arthur Gilliot, *Consultants*

1990 Paperbound 200 pages
297 x 210 mm
9780 7277 3341 2 £45.00

FIDIC Conditions of Contract

4th edition [Red] 1987 Paperbound
92 pages 297 x 210 mm
9780 7277 1332 2 £27.50

FIDIC Client/Consultant Model Services Agreement

3rd edition [White] 1998
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FIDIC Conditions of Contract for Electrical and Mechanical Works

3rd edition [Yellow] 1988
Paperbound 51 pages 297 x 210 mm
9782 8843 2000 9 £25.00

FIDIC Conditions of Contract for Design, Build and Turnkey

[Orange] 1995 Paperbound
85 pages 297 x 210 mm
9782 8843 2010 8 £30.00

FIDIC Conditions for EPC Turnkey Projects

1st edition [Silver] 1999
Paperbound 100 pages
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9782 8843 2021 4 £30.00

FIDIC Conditions for Plant and Design and Build

1st edition [Yellow] 1999
Paperbound 109 pages
297 x 210 mm
9782 8843 2023 8 £30.00

FIDIC Conditions of Contract for Construction

1st edition [Red] 1999
Paperbound 109 pages
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9782 8843 2022 1 £30.00

The FIDIC Contracts Guide

Detailed guidance on using the first editions of FIDIC contracts

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297 x 210 mm
9780 7277 2119 8 £120.00

OTHER LAW AND CONTRACT TITLES

A Users' Guide to Adjudication Under the Scheme for Construction Contracts (including payment provisions)

2nd edition

G. Cottam, *Consulting Engineer and past Chairman of the Arbitration Advisory Panel and the Conciliation and Adjudication Advisory Panel at the ICE*

2002 Paperbound 268 pages
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Practical Adjudication for Construction Professionals

L. Edwards, *Consultant* and
R. N. M. Anderson, *Barrister*

2002 Hardbound 304 pages
234 x 156 mm 9780 7277 3109 8 £50.00

ICE Adjudication Procedure 1997

A users' guide and commentary
B. Totterdill, *Consulting Engineer*

1998 Paperbound 72 pages
210 x 148 mm 9780 7277 2664 3 £20.00

Total Project Management of Construction Safety, Health and Environment

2nd edition

European Construction Institute
1995 Paperbound 206 pages
297 x 210 mm 9780 7277 2082 5 £15.00

Dispute Resolution in the Construction Industry

An evaluation of British practice

N. Gould, P. Capper, G. Dixon and M. Cohen

1999 Paperbound 224 pages
297 x 210 mm 9780 7277 2836 4 £15.00

Tendering for Civil Engineering Contracts

ICE, ACE and CECA

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Agreement for Consultancy Work

Institution of Civil Engineers

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The ICE Conciliation Procedure 1999

Institution of Civil Engineers

1999 Paperbound 16 pages 297 x 210 mm
9780 7277 2761 9 £10.00

Employment Law for the Construction Industry

M. Ryley and T. Goodwyn,
Masons Solicitors

2000 Hardbound 160 pages
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The ICE Construction Mediation Procedure 2002

Institution of Civil Engineers

June 2002 Paperbound 20pp
297 x 210 mm 9780 7277 3131 9 £10.00

The ICE Arbitration Procedure 1997

Institution of Civil Engineers

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9780 7277 2615 5 £10.00

The ICE Adjudication Procedure 1997

Institution of Civil Engineers

1998 Paperbound 16 pages 297 x 210 mm
9780 7277 2663 6 £10.00

Adjudication for Architects and Engineers

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B. Totterdill, *Consulting Engineer*
Legal Notes by R. Dyer

1999 Paperbound 392 pages
210 x 148 mm 9780 7277 2672 8 £14.25

Claims on Highway Contracts

R. N. Hunter, *Forth Local Authority Consortium*

1997 Hardbound 232 pages
234 x 156 mm 9780 7277 2580 6 £15.00

Health and Safety for Engineers

Edited by M. Barnard, *Symonds Group*

1998 Hardbound 224 pages
234 x 156 mm 9780 7277 2601 8 £12.00

Health and Safety Law for the Construction Industry 2nd edition

S. Joyston-Bechal and H. Grice,
Masons Solicitors

2004 Hardbound 200 pages
210 x 148 mm 9780 7277 3123 4 £25.00

Civil Engineering Construction Contracts 2nd edition

M. O'Reilly, *Kingston University*

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234 x 156 mm 9780 7277 2785 5 £14.25

Health and Safety in Construction

Guidance for construction professionals

J. Barber

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Professional Services Agreements

L. Edwards, *Consultant*, and R. Barnes, *Beale and Company*

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234 x 156 mm 9780 7277 2884 5 £35.00

The CDM Regulations Explained

2nd edition

R. Joyce, *Pinsent and Curtis Biddle*

2001 Paperbound 248 pages
210 x 148 mm 9780 7277 3036 7 £35.00

Environmental Law for the Construction Industry

2nd edition

A. Stubbs, *Masons Solicitors* and
C. Dering, *Consulting Editor*

2002 Hardbound 184 pages
210 x 148 mm 9780 7277 3095 4 £25.00