



Issues in Construction Law: Formation of Contract, Terms and Interpretation

Daniel Atkinson

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The Book concentrates on the issues that may affect the formation of contract. The essential requirements are examined of agreement, certainty, intention to create legal relations and capacity in the context of construction practice. Factors which may affect formation are examined in detail including mistake, misrepresentation, economic duress, undue influence, illegality and lack of formality. Particular attention is devoted to the admissibility of evidence. A significant part of the book examines the implication of terms including various legislation relevant to construction practice as well as particular terms such as non-impedance and cooperation. The final chapter of the book deals with the interpretation of the contract, setting out the relevant legal principles, examines the various forms of estoppel and examines particular types of terms such as deeming provisions, entire agreement clauses, exhaustive remedy clauses and penalties. The commercial approach to interpretation is dealt with in detail including correction by construction for mistakes and rectification. There is extensive reference to caselaw and legislation, with some 850 cases referred to. The book is an easily readable reference book and provides practical insight into the issues of contract formation, implication and interpretation of terms. It is a must for lawyers and anyone involved in the commercial aspects of construction contracts and dispute resolution.

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