

DELAY AND DISRUPTION IN CONSTRUCTION CONTRACTS (3RD ED.)

Keith Pickavance, LLP,
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It is now nearly 10 years since the publication of the first edition of this book. It was then by far the most thorough treatment in the common law world of how to analyse delay and disruption, and it still is.

It is not an easy area, and does not fit very happily in any one discipline. The skills of a planner are necessary, but by no means sufficient, for the techniques used in prospective planning do not work well in retrospectively analysing a project that has already gone wrong. Similarly, the area is riddled with legal considerations, but few lawyers (even, dare one say it, construction lawyers) have a really thorough grasp of the vagaries of the computerised tools that are indispensable for the creation of a sustainable analysis. Pickavance makes no attempt to paper over the cracks of these complexities; for example, on page 8 he lists no less than 23 different meanings of the word 'delay', and even then points out that the word has no intrinsic quality; its fundamental meaning as a difference between intention and reality begs the questions, 'Who's intention?' and 'Was the intention realistic?'. But Pickavance is very familiar with the way these tricky cookies tend to crumble, and painstakingly guides the reader through the techniques that work, as well as pointing out the characteristics of those that do not.

The problem of project delay is a huge one: Pickavance quotes statistics suggesting that over half of construction projects are completed late. Neither is the problem a parochial one; this delay fuels vast amounts of litigation and arbitration around the world. This third edition covers the Society of Construction Law's Delay and Disruption Protocol, which is the first serious

attempt at a universal roadmap to manage the problem of major project delay, and in particular to sever the vicious circle whereby a bit of delay can lead to the making of claims, which leads in turn to parties looking to protect their positions instead of collaborate, and hence to yet more delay.

Another change in this edition flows from the introduction to the editorial team of Anders Axelsson, an Australian engineer/lawyer; the book now includes discussion of the relevant clauses in AS 2124, AS 4000 and C21.

This book is a potent tool for those charged with making, evaluating or determining delay claims. If you can see at a glance if something is an as-planned impacted analysis or a time impact analysis, and if you are already well versed in earned value monitoring, trade stacking and judicial reaction to measured mile comparisons, then this book will be old hat, but you will be a member of a very small club. For the rest of us, this book is a well-worthwhile piece of weaponry on the bookshelf.