

DESIGN LIABILITY IN THE CONSTRUCTION INDUSTRY BY D.L. CORNES
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Every once in a while a reviewer is able to review a book which gives him pleasure to read and at the same time rates as a first class technical book. "Design Liability" is one of this rare breed. The reader will immediately be aware of a very easy style of writing which lacking gobbledegook and jargon reads more like a novel than a text book. It should not, however, be imagined that this literary style means that the technical side of this delicate and important subject is treated lightly. Far from it. Before looking at the book in any detail it should be said that the major criticism is that it was published too soon to allow Pirrelli to be mentioned. It is always arguable that every next case is important enough to delay publication but Pirrelli I feel is such an important decision that the value of a vital section of the book has been seriously damaged. One can only hope that it will not be too long before a second edition appears to deal with the problem.

The stated object of the book is to explain the law to non lawyers so that they fully understand their legal rights and obligations whilst at the same time giving lawyers practical information on the specific problems of design liability and I venture to suggest it succeeds.

The first chapters deal with the principles of both law and design and these are followed by an interesting discussion on professional negligence and which I always find a strange term of amateur negligence - which leaves the reader with a general feeling for the subject although it does not advance the practitioners state of knowledge. This is followed by an examination of duties of designers and the delegation of design duties. This takes in addition to a general panorama specified points and relates them not only to law but also the professional codes and contracts such as JCT, ICE, RIBA and ACE Conditions of Employment. One of the subjects dealt with is the use of specialist sub contractors who design and install.

These specialist design facilities are used because of the need for specialisation but it does not mean that the architect or engineer loses his responsibility or liability in connection with their work. Collateral warranties are looked at as are the relevant parts of the professional codes although, unfortunately, no solution is given to the professional's nightmare of how he can avoid liability for the work of the specialist sub-contractor.

This leads quite naturally to that other nightmare area - supervision, which is more properly called inspection. Is the position as described by Lord Denning that "the duty of the architect owes to the building owner is to see that the builder does his work and does it properly" or is it? I am not suggesting the book will answer the question but it will certainly help a view to be formed.

If all else fails one comes to the limitation of liability, prescription periods and of course insurance. It is refreshing to see so much care and attention paid to the necessity of complying with policy conditions, non disclosure and all of the other minefields which have to be negotiated, if, after all else has failed, one's insurance cover is not to follow a similar path.

To sum up this book although directed at, and profusely illustrated with the construction industry's problem is of value to all of those involved in what we still lovingly call professional negligence.

M.A.C.