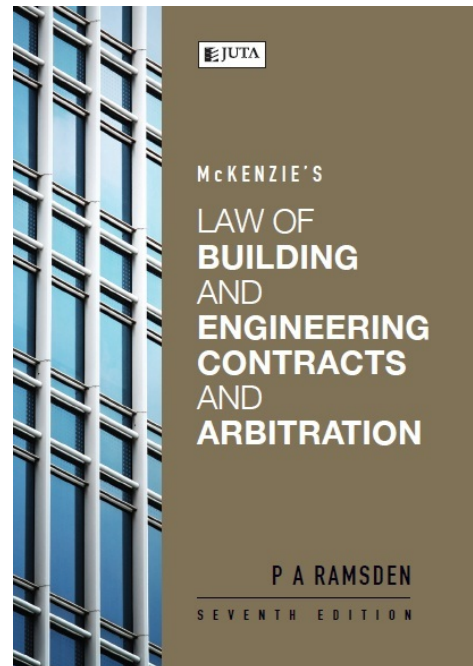


# McKenzie's Law of Building and Engineering Contracts and Arbitration

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## About this Publication:

*McKenzie's Law of Building and Engineering Contracts and Arbitration* is an essential reference for those connected with the construction industry. It is the leading reference work dealing with South African contract law relating specifically to engineering and building contracts. This is the first book to explain the law applicable to the updated Joint Building Contracts Committee (JBCC) Principle Building Agreement (6<sup>th</sup> edition, 2014) and the Engineering General Conditions of Contract for Construction Works (2<sup>nd</sup> edition, 2010), which are both annexed to the book and extensively cross-referenced to assist the reader. The book also cross-references the relevant clauses of the FIDIC Contract Agreement (1999). Disputes arising out of building contracts are often referred to arbitration for solution. This work therefore deals with the effect of the Arbitration Act 42 of 1965 and the Association of Arbitrators Standard Procedure Rules, which are also reproduced as annexures in the book.

**Contents Include:**

- The formation of a contract
- The construction or interpretation of a contract
- Rights and liabilities of the parties during building operations
- Excuses for non-performance.
- Effect of insolvency, death and forfeiture clauses
- Remedies on breach
- The architect
- The quantity surveyor
- Engineers
- Delictual liability of building and construction professionals for negligent misrepresentation causing pure economic loss
- Sub-contractors, contractors and home builders
- Time of completion, delay and penalty clauses
- Extras and variations
- Prime cost and provisional sums
- Price adjustment clauses
- Approval and certificates
- Defects and retention money
- Payment in terms of the contract and quantum meruit
- Introduction to arbitration
- Arbitration agreements and their effect
- Functions of and proceedings at arbitration tribunals
- The award
- Costs
- Annexures
  - JBCC Principal Building Agreement (6th edition, 2014)
  - General Conditions of Contract for Construction Works (2nd edition, 2010)
  - The Association of Arbitrators
  - Arbitration Act 42 of 1965

**Of Interest and Benefit to:**

- Legal professionals and arbitrators involved in building and engineering disputes
- Engineers, architects, quantity surveyors and project managers who manage contracts on behalf of either the employer or the contractor
- Graduate and post-graduate students in building and engineering contract law