

The thesis is PREFACE to four sections.

The first section deals with the historical development of the construction industry and the sources of English Law in so far as it represents the law as we know it in Trinidad and Tobago. It identifies the principal participants and their inter-relationships with each other and lays the basis for a more detailed study of special areas of conflict and litigation.

This thesis proposes to focus upon the local experience of the development of the law of contract as it pertains to the construction industry. It takes cognizance of the explosion in construction activity which was initiated and sustained throughout the decade of the seventies (1970's) up to the present, by a sudden surge in available financing. This had its source in the new world oil prices and as well in the discoveries of oil and gas off our North and East Coast. The government sought to utilise its new-found revenue to initiate massive construction works which were later to stimulate the private sector to respond in similar construction ventures. This development strategy was to herald an entirely new era of litigation. Young engineers engaged either in contracting, in the various ministries and statutory boards or in the consulting firms found themselves not only inadequately equipped as far as formal academic training for this legal encounter but, often were thrown in at the deep end where not even their seniors were able to effectively give guidance. Today it is abundantly clear that all practising engineers need to possess a good command of several areas of law in general, and the law of contract in particular.

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The second section selects for detailed review three areas of controversy with which most contractors and consultants are familiar but with which not a great deal of clarity exists. They represent an area of great diversity of opinion. Each topic is treated in a separate chapter which permits them to stand each as a separate discourse.

The third section focusses on two special mechanisms that are finding increasing applicability. Arbitration and injunctions are considered as areas of specialised practice, usually left to the most experienced in the field of construction and often are left solely as the domain of the professional legal practitioner. Nevertheless, it is the author's considered opinion that all practising engineers should have a working knowledge of both subjects.

The fourth section discusses three recent developments in the industry that have significant legal implications for the entire industry. It seeks to link the recently attempted Government to Government Arrangements, Professional Construction Management and finally the local tender award practice.

While the author hopes that each chapter is capable of standing as a separate discourse, they together represent a matrix of problems and solutions in contract law practice as they appear at the present stage of development of the local industry.

CHAPTER ONE

THE DEVELOPMENT OF THE LOCAL CONSTRUCTION INDUSTRY

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