Introduction to Law and Statutory Requirements

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# Introduction

The construction industry stands as a dynamic and vital sector, shaping the physical infrastructure that underpins societies and economies. In the United Kingdom, the Construction Act, also known as the Housing Grants, Construction and Regeneration Act 1996, serves as a cornerstone in regulating construction contracts. This legislation is designed not only to facilitate fair payment practices but also to minimize disputes through mandatory adjudication—a swift and effective interim resolution process. Building regulations set stringent standards for the design and construction of buildings, ensuring the safety, well-being, and accessibility of individuals in and around structures (Carmichael *et al.* 2020). As construction activities involve intricate processes, diverse stakeholders, and inherent risks, a robust legal framework is essential to govern the industry's multifaceted aspects. The paramount importance of health and safety cannot be overstated. The well-being of workers, and the public, and the success of projects hinge on the application of health and safety principles in the design and management of construction endeavours. The Health and Safety at Work Act 1974, coupled with regulations like the Construction (Design and Management) Regulations 2015 (CDM), delineates the legal obligations of various parties involved in construction projects (Moreno *et al.* 2022). This introduction aims to shed light on the symbiotic relationship between the construction industry, its legal facets, and the critical imperative of health and safety. We will explore why legal compliance is intrinsic to the functioning of the construction sector, how it intersects with the establishment of a safety culture, and the pivotal role of adjudication in swiftly resolving disputes. In essence, understanding the legal intricacies and prioritizing health and safety is not just a statutory obligation but a fundamental ethos that contributes to the longevity, success, and ethical foundation of the construction industry.

# Task 1

The Construction Act, also known as the Housing Grants, Construction and Regeneration Act 1996, is a UK law that regulates construction contracts (Christie and Mante 2022). Its primary objectives are to promote equitable payment practices, minimise disputes, and mandate adjudication as a mandatory interim resolution process. Building regulations in the UK set standards for the design and construction of buildings to ensure safety and accessibility. The Building Act 1984 is the crucial legal framework, which ensures the well-being, safety, and convenience of individuals within or around buildings in the UK, as well as those who are impacted by buildings or related matters in the construction business. According to Turner, 2019, the safety culture is closely linked with legal and statutory requirements in the construction industry, where legal frameworks can specify safety standards and practices where the organisation maintain some concepts of top management commitment, employee involvement, training, coordination, communication and risk assessment for the safety of organisational culture that is aligned with the jurisdiction of UK.

Here in this proposed research, the top management showcases the safety culture is essential which also fosters a safety-conscious environment to ensure legal compliance. Employee involvement is not only discussed in the cultural aspect but also aligned with legal requirements. In many jurisdictions, workers have rights and obligations related to safety which are involved with safety practices for enhancing the good culture practice and required safety procedures. Maintaining legal standards is mandatory for this field that is aligned with legal standards that often require workers to be adequately trained in safety procedures (Stifel *et al.* 2020). This study helps to understand the risk assessment as a crucial element of safety culture which is needed in the construction industry to identify and mitigate potential hazards. This resonates with the ethical responsibility of construction companies to adhere to legal requirements, ensuring the safety and well-being of their workers and the public. The emphasis on risk assessment in the safety culture paper aligns with legal requirements for risk assessment in the workplace. This resonates with the ethical responsibility of construction companies to adhere to legal requirements. This consideration ensures the well-being of workers and creates a symbolic relationship between ethical behaviour and legal compliance. This safety culture discussed in this research is intricately linked with the legal and statutory requirements of construction companies in the UK (Haghani *et al.* 2023). The cultural aspects highlighted in the paper are not just good practices but often mirror and support the legal obligations that construction companies must fulfil.

A crucial aspect of a construction manager's role is overseeing projects to minimize risks, ensuring compliance with regulations, and confirming that all workers use appropriate protective equipment. Emphasizing health and safety in the construction sector is of utmost importance, and its integration into the planning and execution of construction projects is vital for the welfare of workers, the public, and the project's overall success.

The legal framework, such as the Health and Safety at Work Act 1974 and specific regulations like the Construction (Design and Management) Regulations 2015 (CDM), delineates the obligations of employers, designers, contractors, and other stakeholders in construction projects (Guo *et al.* 2021). Contractors bear the responsibility of implementing and overseeing on-site health and safety measures, encompassing the provision of a secure working environment, coordination of activities to prevent conflicts, and ensuring the competence and proper training of workers. These defined roles under CDM come with significant health and safety responsibilities, with the principal designer coordinating health and safety aspects during the design phase, and the principal contractor overseeing health and safety throughout the construction phase. The liabilities and responsibilities of each party involved are clearly defined in legislation, emphasizing the collaborative effort required to maintain a safe construction environment.

In the construction industry, ensuring health and safety, as well as adherence to welfare regulations, involves various parties, each with distinct liabilities and responsibilities. The client has a legal duty to ensure that health and safety requirements are considered throughout the project. They are responsible for appointing competent professionals, including designers and contractors. They have a responsibility with this sector, where clear communication of project requirements and expectations regarding health and safety to all involved parties, which can provide necessary information about the site and any potential hazards to designers and contractors. The finances and resources should be managed timely manner, and health and safety measures. For this measurement, organisations have to appoint designers and contractors who have the necessary qualifications and experience in health and safety matters (Manu *et al.* 2019). To develop a construction phase plan detailing how health and safety will be managed and coordinate the work to ensure that it is carried out without risks to health and safety. Workers have a legal duty to take reasonable care of their health and safety and that of others who may be affected by their actions (Boadu *et al.* 2020). Designers are legally responsible for eliminating or minimizing health and safety risks during the design phase to identify and eliminate, if possible, health and safety risks associated with the design where they can communicate residual risks to the client and other parties. It's important to note that these responsibilities may vary depending on the specific project, jurisdiction, and contractual agreements. Collaborative efforts between all parties are crucial for creating a safe working environment throughout the construction stages.

# Task 2:

**Discussion on Management and Tools in Construction Projects in Legal and Statutory Perspective**

Effective project management in the UK within the framework defining legal and statutory matters, seems crucial for the success of a construction project. A complex landscape is navigated by the construction managers. They ensure that a construction project is fully aligned with the regulations, laws, and compliance standards of the country (Agapiou 2020). Thus, considering legal obligations, the managers plan meticulously to keep regulatory compliance with stakeholders, regulations specific to industry and environmental laws. Monitoring projects is a crucial part of the management process where constant vigilance is required to ensure compliance to statutory requirements. There could be several changes in the legislations and management should be proactive in tracing those. Through such effectiveness in management, construction companies of the UK could mitigate facing legal risks and struggle through complex conditions. Additionally, management of construction companies should promote effective communication within the entire company for avoiding decision-making criticality and reduce downtime (Sala *et al.* 2022). Regular assessments on construction site and audits could help the management to take necessary steps for employee safety and overall process change initiatives for better outcome.

In the construction companies of the UK, project managers utilise a variety of tools for navigating the complex legal landscape and the shifts in the same. Asana, Microsoft Projects, or Trello are the leading project management software that assists managers in streamlining tasks, fulfil legal requirements and meeting deadlines smoothly (Ha 2021). Among various team members, these tools function effectively to increase collaboration. Moreover, a centralised platform is also offered by several software where managers along with other stakeholders can track shifting legal requirements and take actions to meet them during a live project. Managers of the construction company in the UK could take help from the legal databases such as Westlaw and LexisNexis for monitoring regulatory changes and researching changing construction laws (Shamshiri *et al.* 2023). Through these platforms managers could get comprehensive information of legal perspectives which will help them to stay proactive in making changes as per requirements that are relevant to the projects. Systems of document management such as SharePoint is also an effective tool for organising and securing documents of a project (Khumalo and Mearns 2019). It also ensures compliance and version control with the policies of document retention. To improve communication within management regarding legal policies, Microsoft Teams could be stated as an essential platform. This tool will enable managers to respond quickly to the legal requirements through a shared vision.

**Case Study Analysis Focusing on Management Tools and Techniques**

A construction project of BalfourBeatty PLC has been selected for proper analysis on the management tools and techniques applied in the project. The company earned enormous fame delivering one of the most significant marine engineering projects. A nuclear power station in the UK will be constructed and the name of BalfourBeatty PLC will be linked with the project brightly. The construction of Hinkley Point C Marine works and Tunnelling presents the company’s sophisticated utilisation of tools and techniques for navigating the complexities of the most intricate marine engineering endeavours (Balfour Beatty PLC 2023).

**Project management software:**

For orchestrating a multifaceted construction project initiated by Balfour Beatty needs to utilise advanced project management software for finest results. Balfour Beatty seemed to employ Primavera, a software for multiple tasks along with Microsoft Projects (Grzeszczyk *et al.* 2023). This two software might have assisted the company in task scheduling, tracking construction progress and comparing it with the actual plan along with allocating resources. Through the software, the teams of Balfour Beatty could coordinate properly which were working on the three machines of tunnel boring, concrete segment manufacturing and campaign dredging.

**Building Information Modelling (BIM):**

As the nature of the construction project is quite intricate, for detailed modelling, the use of BIM could be stated positive. Through building information modelling, virtual visualisation of the heads, tunnels and marine structures could be done (Sadhu *et al.* 2023). This software could be aid in precise identification and planning of potential challenges before the actual work of construction begins. The concerned tool could be considered quite instrumental in manging massive amount of construction project related data along with optimising sequences in the construction project.

**Supply chain management:**

The project of Hinkley Point C involves manufacturing of concrete segments nearly 38,000 along with constructing several complex heads. Efficient management of supply chain tools could be fond essential in tracking the construction project’s production, components delivery and transportation activities. All these operations seem to require complex software to manage supply chain to avoid delays and mitigate delivery complications during a live construction project.

**Risk Management:**

With the presence of uncertain complexity and scale, Balfour Beatty needed to apply a robust risk management approach throughout the project. The company seem to apply several risk management tools for assessing, identifying, and mitigating potential risks that were associated with the tasks of tunnelling, manufacturing critical components and marine operations. Through proactive approaches of risk management, Balfour Beatty PLC might have mitigated or minimised the impacts of uncertain events imposed on project budget and timeline (Al Yaqoobi 2022).

**Communication Platform:**

In such a multifaceted project of Hinkel Point C, a comprehensive and efficient communication strategy and platform should be developed by Balfour Beatty PLC. Microsoft Teams could serve this approach of Balfour Beatty by strengthening cooperation among multiple teams in the project.

# Task 3:

**The Law of Tort**

The law of Tort could be stated as one of the most appropriate legal steps that supports the rights of common people in case of mishaps. Thus, law of tort is not exclusive to the construction industry but holds immense significance for its amplified application in the same. It is a fundamental aspect of civil law that pertain to civil mishaps that brings injury, harm, or any kind of loss offering a legal framework for people to seek remedies or compensation. Law of tort might encompass a wide range of mishaps including intentional wrongdoing, negligence, along with strict liability (Goldberg *et al.* 2021). Negligence in law of tort might involve certain breach of duty for exercising reasonable care that ultimately results in harm. Torts that have been done intentionally might encompass several deliberate actions that brings harm such as defamation or assault. Responsibility could be imposed by strict liability for the mishap or harm brought by certain products or activities, irrespective of fault (Turton and Kyd 2019). Thus, a crucial role could be played by law of tort in balancing individual responsibilities and rights while fostering a clear system where common people could seek redress for the injury, loss or harm suffered because of wrongful behaviour of others. The principles of tort law are foundational in the system of civil justice, promoting justice and accountability in a unique array of circumstances.

In the construction industry of the UK, law of tort could be noticed to take place for negligence in building projects. The case of Trollope & Colls LTD v. Northwest Metropolitan Regional Hospital Board of 1973 could be mentioned to demonstrate obligations relating to law of tort (IPSA LOQUITUR 2020). Here, the construction company, Trollope & Coll was accused of negligence in a construction project of a hospital. Defective works of the construction company caused water leakage and damage in the hospital which is a clear indication of loss for the hospital board to proceed with the case. The court presented its judgement in favour of the hospital board as well which illustrated tangible instance in the construction industry of the UK where a construction company had been go through legal consequences following law of tort.

**Case Study Analysis**

The case study presented a dispute between Balfour Beatty PLC and BICC Cables Corporation. The construction company, Balfour Beatty was accused of selling BICC Cable Corporation to General Cable Corporation in 1999. ACE Company Inc, the plaintiff had involved into a couple crucial agreements in 1997 with BICC (United States District Court 2001). These two agreements were Connector development, manufacturing, and distribution agreement along with sales representative agreement. In these contracts, rights were reserved of first offer in matter of any party determine to divest its business. However, following the sale of assets ACE claimed Balfour Beatty which was the successor-in-interest to BICC, seemed to breach the terms of the agreements by failing to respect the right of offer provisions placed first. Argument raised that Balfour Beatty PLC’s action of selling the subsidiary based of Delaware (BICC) and along with the subsequent elimination of benefits under concerned agreements, constituted a tangible breach of contract, urging for the implementation of law of tort. The key concern of the matter lies in the fact that if Balfour Beatty’s activity of selling the Delaware-based subsidiary (BICC) and termination of benefit has aligned with the obligations of the contracts that has been outlined in the Connector and Sales Representative Agreements. The matter of disagreement forced ACE to file a lawsuit against Balfour Beatty in the United States District Court, Delaware.

**The Type of Negligence**

The primary type of negligence is focused on the breach of contract and disagreeing the terms of two agreements. The accused company had a duty of protecting the terms of the agreements but conversely it has breached the same which led ACE to ledge complaint against Balfour Beatty PLC and BICC Cables Corporation. As a tort, the case involves incidents such as a duty of care, causation, a breach of the assigned duty, and finally damages of agreed terms.

**Rights of the Contractors or Clients**

In the case of contractual agreements between Balfour Beatty PLC, BICC Cables Corporation (the clients) and ACE Company Inc, which is the contractor, the rights for both the parties were clearly defined by the contract terms of Connector Development agreement and Sales Representative agreement (United States District Court 2001). The contractor, ACE Company has the right to expect proper conduct from the clients in accordance with the terms of the agreement. This include the right to enforce terms and conditions agreed upon and be paid for services rendered and seek legal remedies in case of breach of terms. On the other hand, clients, Balfour Beatty and BICC Cable Corporation will expect that the contractor will keep compliance with deliverables or services that have been agreed through the contract.

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# Task 4

In the context of the discussed "Condition Precedents," legal precedent procedures in construction law in England might involve specific steps or requirements that parties must follow. This includes procedures for claims, notices, or other actions that must be taken before certain legal entitlements or obligations arise. Similarly, legal precedent procedures in construction law may aim to provide a clear framework for parties to follow, ensuring that they can anticipate and address legal issues promptly. According to Drakeman and Oraiopoulos 2020, the possibility of arguing ambiguity as a strategy in dealing with Condition Precedents. In legal precedent procedures, parties may also navigate through potential ambiguities in the procedures, and the courts might interpret them based on the context of the contract and the overall fairness of the situation. In the context of legal precedent procedures, parties may examine legal avenues, statutes, or acts that could influence the enforceability of specific procedures, particularly if they are perceived as unjust or unreasonable. According to Boviatsis 2023, the study introduces waiver or estoppel as potential defences against the rigorous enforcement of Condition Precedents. Similar to the text's discussion on the tension related to enforcing Condition Precedents and the potential for punitive consequences, legal precedent procedures in construction law may necessitate a careful equilibrium between stringent enforcement and fairness. Courts may need to evaluate the importance of adhering to procedural requirements compared to the potentially severe repercussions of non-compliance. In this context, Condition Precedents are considered a method of promoting certainty and allowing parties to investigate and address potential consequences. Similarly, in construction law, parties may investigate whether a waiver or estoppel arguments apply to legal precedent procedures, particularly if there is a history of leniency or inconsistent enforcement of strict adherence. Just the research finds how courts interpret and enforce Condition Precedents, legal precedent procedures in construction law would also be subject to judicial interpretation. The courts may consider factors such as the clarity of the procedures, their relation to the contract as a whole, and general legal considerations. The parallels between the discussed "Condition Precedents" and legal precedent procedures in construction law in England lie in the need for clarity, fairness, and a balance between strict enforcement and potential consequences for non-compliance.

Adjudication in the construction industry is a process designed to address various issues, including building defects, interim payments, and extensions of time for project completion.   
Designed for businesses, adjudication provides a swift and cost-efficient approach to resolving construction contract disputes more expeditiously than conventional methods like arbitration or litigation.

Payment commonly arises in the construction industry which often involves disputation between subcontractors and main contractors regarding additional work or variations. Adjudication is mainly effective in these situations due to its ability to provide a prompt resolution. Adjudication provides a quick resolution in the event of a payment dispute to ensure the continuous flow of funds so the organisations can maintain their smoothness in their operations (Jain, 2020). The adjudicator finds the evidence and issues which help to make a timely decision that enables the subcontractor to receive the owed funds without resorting to lengthy court procedures. Additionally, disputation arises from disruption which is interconnected with the changes in the scope of work, variations, or differences in the interpretation of contract terms. Adjudication is crucial because it can efficiently resolve the conflicts that enable construction projects to be advanced without unnecessary delays (Abwunza *et al.* 2020). In cases of disputes over alterations to the scope of work, adjudication expedites a rapid decision on the validity of the claim and encourages the smooth progression of the project. For instance, when changes to the scope of work are contested, adjudication facilitates take quick decision on the validity of the claim and ensures the project's seamless continuation.

Additionally, conflicts arise many times in the matter of the quality of workmanship, construction defects, or adherence to agreed specifications. When a client identifies defects, then they postpone their payment until the issues are solved, the contractor might contest the existence or extent of the defects. Adjudication offers a swift resolution which enables the project to advance without extended interruptions due to payment disruption (Bilal *et al.* 2023). The expeditious nature of adjudication is crucial in all the mentioned scenarios, allowing parties to swiftly resolve conflicts and proceed with construction projects without enduring significant delays or financial challenges. Adjudication remains a valuable asset in the construction industry, facilitating the upkeep of project momentum and the prompt resolution of issues. This efficiency is particularly crucial in the dynamic and time-sensitive nature of construction projects, where swift resolutions contribute to the overall success and smooth progression of the work. The ability of adjudication to swiftly address conflicts ensures that construction endeavours can proceed without protracted legal battles, ultimately benefiting both the involved parties and the overall project timeline.

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# Cconclusion

In conclusion, the construction industry in the UK operates within a comprehensive legal framework, with the Construction Act serving as a key piece of legislation. This Act aims to foster equitable payment practices, minimize disputes, and establish adjudication as a mandatory interim resolution process. The safety culture within construction, as discussed in the proposed research, is intricately linked with legal and statutory requirements. The paper highlights the symbiotic relationship between ethical behaviour, legal compliance, and the need for a robust safety culture. Top management commitment, employee involvement, training, coordination, communication, and risk assessment emerge not just as good practices but as essential components aligned with the legal obligations of construction companies. This synergy ensures that safety standards and practices are not only upheld but also contribute to a positive organizational culture. In the construction industry, the ethical responsibility of companies to adhere to legal standards is evident, creating a link between ethical behaviour, legal compliance, and the overall safety of workers and the public.

The responsibilities and liabilities of various parties in construction, as outlined by legal frameworks such as the Health and Safety at Work Act 1974 and the Construction, contribute to a collaborative effort to maintain a safe construction environment (Osei-Asibey *et al.* 2021). Each party has a clearly defined role in ensuring health and safety measures are implemented and risks are mitigated. The roles of principal designers and contractors under CDM, for instance, illustrate the importance of coordinated efforts throughout different phases of construction to guarantee the well-being of everyone involved. The discussion also extends to the crucial role of construction managers, who bear significant responsibilities in overseeing projects, mitigating risks, and ensuring regulatory compliance. This includes overseeing the use of suitable protective gear and maintaining a safe working environment. The collaborative nature of these efforts, as defined by legal obligations, is fundamental to the success of construction projects. Adjudication emerges as a crucial process in the construction industry for addressing disputes swiftly and cost-effectively (Marginean, 2019). The examples provided, such as payment disputes, scope of works variations, and quality of workmanship issues, highlight the versatility of adjudication in resolving a range of conflicts.

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