



Subject	Construction Law
Subject Code	230
Academic year	Spring (Apr-Sep), Summer (Jun-Nov), Autumn (Sep – Feb)

Summary

Semester	1
Status	core
Learning Hours	15hrs Lectures, 5hrs Tutorials and 75hrs Independent Study
Credits	14
Period of Study	10 weeks

Summary of Learning Outcomes

Learning outcomes are results of learning that students will have achieved on successfully completing a course. The following reference points were used in designing the learning outcomes;

- QAA Subject Benchmark Statements (Construction, Property and Surveying (2008)); and
- The professional competencies required by ICES and CIOB.

Learning outcomes are expressed under three broad headings of achievement in both threshold and typical standards:

K: Knowledge (a more detailed level of understanding of the activity)

U: Understanding (a general awareness of the activity)

S: Skills (to be able, without **supervision**, to perform relevant functions)

1. Become familiar with construction contracts and responsibilities of contracting parties.
2. Knowledge in employment legislation and its applicability to construction projects.
3. Understand the principles of contract law and their application.
4. Demonstrate a basic knowledge of the nature and significance of law and legislation as applied to the construction process.
5. Demonstrate an understanding of the principles and process of formation of construction contracts and describe the importance of contractual documents.



6. Demonstrate a basic knowledge and understanding of the importance of ethics and conduct in professional practice.
7. Be able to apply appropriate principles of construction management, law, and ethics.
8. Knowledge in employment legislation and its applicability to construction projects.

Assessments

A variety of assessment methods are used such as tutorials, exercises and assignments are directly related to the course outcomes. The submission of assignments and tutorial exercises will help students to learn and pass the subjects with a merit or distinction grade.

The following split in the marking system is applied in the assessment:

1. Tutorial 1: 15% (2.1 credits)
2. Tutorial 2: 15% (2.1 credits)
3. Assignment: 70% (9.8 credits)

4. Satisfied assignments pass mark is minimum 50% (4.9 credits) of assignment credits
5. Final grade for a pass is minimum 50% (7.0 credits) of total credits and satisfied assignments
6. Final awarding grade for a merit pass is minimum 65% (9.1 credits) of total credits
7. Final awarding grade for a distinction pass is minimum 75% (10.5 credits) of total credits

80% of attendance in each semester should be required to submit assignments.



Contents

1. Law of Contract (week 1, 2)

Nature of contract, Types of contracts: valid contracts, voidable contracts, void contracts or void agreements, unenforceable contracts; Executed and Executory Contracts, Courts system in England and Wales, Valid Contract: Unilateral or bilateral contracts, Letter of intent;

2. Introduction to Construction Contract (week 3)

Importance of a written contract: clarity and certainty, procedures, risk allocation; Terms of a construction contract; Risk allocations and approaches, Role of participants;

3. Contractual Terms (week 4, 5)

What should a written construction contract cover: Fidic Contracts, Programme, Delays and extension of time, Delay damage, Tailoring the contract, Contractual Terms, Representations and Terms, Incorporation of express terms, Contract is in writing, Contract is signed, The importance of the statement, The timing of the statement; Classification of Express Terms: conditions, warranties, innominate terms; Implied Terms: terms implied in law, customary implied terms, statutory implied terms;

4. Acceptance (week 6)

Acceptance by conduct, Acceptance must be qualified, Acceptance of tenders, The battle of forms, Communication of acceptance: general rule;

5. Health & Safety and Employment Regulations (week 7, 8, 9)

Employer's liability for injuries to his employees, Health and safety work, Employer and employee, Health and safety regulations, Workplace (Health and Welfare) Regulations, Rights and Duties of the Parties to the Contract: duties of employer, duties of an employee; Vicarious liability, The course of employment.

6. Completion (week 9, 10)

Practical completion or substantial completion, Section completion and partial possession by the employer, Acceleration, Works programme



References and Further Readings

1. *Eggleston, Brian, CEng. Liquidated damages and extensions of time in construction contracts /Brian Eggleston. — 3rd ed, pp86-120, 175-177, 188-196*
2. *William Godwin , International Construction Contracts A handbook, A John Wiley & Sons, Ltd., Publication 2013 pg3-10*
3. *Keith Manson, (1994) Law for Building Practitioners, B. I. Batsford Limited pp 179-206*
4. *John uff, (2005) Construction Law, Sweet & Maxwell, 9th ed, pp 1-5 & 12.*
5. *Stephanie Owen, Law for the Construction Industry, Addison Wesley Longman Limited (1998) 2nd ed, pp1-13 & 47 – 48*
6. *David Chappell , Building Contract Claims, 5th Edition, Wiley Blackwell publication pg 128-135*
7. *H Randolph Thomas and Ralph D Ellis, Interpreting Construction Contracts, pg 49-67*
8. *Rowlinson, Michael, author. Practical Guide to the NEC Engineering and Construction Contracts / Michael Rowlinson. – Third edition. Pg 49-62 85-136*
9. *Ashworth, A. (2001) Contractual procedures in the construction industry, 4th ed. Oxford: Longman*
10. *Murdoch, J. & Hughes, W. (2000) Construction Contracts Law and Management, 3^d ed. London: Span Press.*
11. *Owen, s (1998) Law for the construction industry, 2^d ed. Harlow: Longman.*