

Descriptor for Module

Module Title:	Construction Law
Module Team:	Annie McCartney & C.H.Spurin
Credits:	10M
Code:	
Pre-requisite(s):	None
Co-requisite(s):	None
Award(s) for which module is a core requirement: None	
Aims of the module: To develop a high level of awareness, understanding and critical appreciation of the law governing construction operations arising out of contractual and tortious relationships and to be able to competently engage at a professional level in the settlement of disputes within the industry operating in house and institutional dispute resolution schemes, with particular reference to arbitration, adjudication as required by the Association for Independent Construction Adjudicators, mediation practice and participation in Dispute Review Board processes.	
Synopsis of module content: <ul style="list-style-type: none"> ▪ Analysis of the various forms of procurement contract ▪ Contrast and comparison of the divisions of legal responsibility between all members of the construction and engineering teams ▪ The practical and legal problems related to payment in the industry. ▪ Analysis of the practical and legal problems associated with assignment, collateral warranties, and availability of insurance ▪ Outline of the national and international law relating to arbitration and adjudication ▪ Procedural elements of in house and institutional adjudication procedures in the construction industry, including the ICE Adjudication Procedures 2000, the ICC Pre-arbitral Procedure 1997 and the FIDIC Adjudication Procedures. ▪ Procedural elements of in house and institutional conciliation and mediation procedures in the construction industry, including the FIDIC, ICE and ICC Conciliation Procedures. 	
Teaching Methods: A combination of traditional lectures, guided reading and workshops. Conciliation and adjudication skills will be developed through the medium of role play.	
Learning Outcomes: Students will be able to: <ol style="list-style-type: none"> 1) A2, A3, B4, C3 - draft an informed enforceable adjudicator's decision 2) A2, A3, C1, C2, C4 - advise on and engage in facilitated construction orientated dispute resolution processes 	
Key Common Transferable Skills delivered by this module: <ul style="list-style-type: none"> ▪ D1 - Interactive and Group Working Skills : Presentations. ▪ D2 - Communication and Presentation : Communicate the above in a confident professional manner. ▪ D3 - Psycho-Motor : Discuss, devise and implement strategies and tactics for the conduct of adjudication, conciliation or mediation actions/dispute settlement processes founded in contract or tort. Isolate, clarify, assess and manage resolutions to contractual and tortious problems. 	

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Assessment requirements:

- Coursework 1 : Adjudication 50%. (Word limit not appropriate). This involves the writing of an informed enforceable adjudicator's decision demonstrating knowledge of construction law and best practice in adjudication
- Coursework 2 : Negotiated Settlement 50%. Involving students demonstrating good preparatory skills and subsequent conduct, by means of role playing out the resolution by conciliation or mediation of a hypothetical construction industry based problem whilst taking into account an assessment of the respective rights, duties, needs and expectations of the parties.

Concise Indicative Reading List:

Reading Lists will be updated annually.

Textbooks Current editions of

- **American Arbitration Association.** *ADR, A Practical Guide to Resolving Construction Disputes.* American Arbitration Association
- **Gordon K.** *Adjudication in the Construction Industry, Special Report,* FT Law & Tax.
- **Joyce R.** *A Commentary on Construction Contracts, Part H of the Housing Grants Construction and Regeneration Act 1996,* Thomas Telford Training
- **Newman P & Hibberd P.** *Adjudication and ADR in the Construction Industry,* Blackwell Science
- *Construction Disputes: Avoidance and Resolution,* Whittles Publishing Services
- *Construction Law.* Eclipse Publications

Journals

- **Arbitration** (Chartered Institute of Arbitrators)
- **Construction Law Journal** (Sweet & Maxwell)

Websites

- **Nationwide Academy of Dispute Resolution** - www.nadr.co.uk
- **Building Magazine** - www.building.co.uk
- **Atkinson Law** - www.atkinson-law.com
- **Contract Journal** – www.contractjournal.com
- **Society of Construction Law** – www.scl.org
- **Adjudication Society** – www.adjudication.org
- **Adjudication.co.uk** – www.adjudication.co.uk

Electronic Databases

- All Case Databases

Validation Details: